

179. Cadet Edwin Major Smith.
 181. Cadet Leroy William Austin.
 182. Cadet Charles Jordan Daly.
 183. Cadet Samuel Cummings Mitchell.
 186. Cadet Reuben Henry Tucker, 3d.
 187. Cadet William Genier Proctor.
 188. Cadet Lamont Saxton.
 190. Cadet Elmer Hardie Walker.
 191. Cadet Clair Beverly Mitchell.
 192. Cadet John Williamson.
 193. Cadet John Pearson Sherden, Jr.
 194. Cadet Jack Jones Richardson.
 196. Cadet Louis Duzzette Farnsworth, Jr.
 199. Cadet John Allen Beall, Jr.
 200. Cadet Lamar Fenn Woodward.
 201. Cadet Orin Houston Moore.
 202. Cadet Charles Wythe Gleaves Rich.
 203. Cadet Donald William Bernier.
 204. Cadet Harvey Bower.
 205. Cadet Allen Harvey Foreman.
 206. Cadet Wilson Dudley Coleman.
 207. Cadet Floyd Garfield Pratt.
 208. Cadet Thomas Ceburn Musgrave, Jr.
 209. Cadet Glenn Cole.
 211. Cadet William Lee Herold.
 212. Cadet William Bradford Means.
 213. Cadet John Eidell Slaughter.
 214. Cadet Robert Gibson Sherrard, Jr.
 215. Cadet John Alfred Metcalfe, Jr.
 217. Cadet Stephen Dishbrow Cocheu.
 218. Cadet John Neiger.
 219. Cadet Thomas Joseph Gent, Jr.
 221. Cadet Benjamin Walker Hawes.
 223. Cadet Nassieb George Bassitt.
 224. Cadet Ducat McEntee.
 225. Cadet William Robert Patterson.
 226. Cadet Oscar Rawles Bowyer.
 228. Cadet Norman Basil Edwards.
 230. Cadet Robert Eugene Tucker.
 231. Cadet Herbert Frank Batcheller.
 233. Cadet Maurice Monroe Simons.
 234. Cadet Richard Cathcart Hopkins.
 235. Cadet Alfred Kirk duMoulin.
 236. Cadet Walter Edward Bare, Jr.
 238. Cadet Charles Barry Borden.
 239. Cadet Paul James Bryer.
 240. Cadet Raymond Clarence Adkisson.
 241. Cadet Emerson Oliver Liessman.
 242. Cadet Burnis Mayo Kelly.
 243. Cadet Lester Lewes Wheeler.
 244. Cadet Carmon Ambrose Rogers.
 245. Cadet Russell Batch Smith.
 246. Cadet Marcus Samuel Griffin.
 247. Cadet James George Balluff.
 248. Cadet Richard Hayden Agnew.
 249. Cadet Francis Regis Herald.
 250. Cadet John Leroy Thomas.
 251. Cadet George Brendan O'Connor.
 252. Cadet Russell Lynn Hawkins.
 253. Cadet Eric Per Ramee.
 254. Cadet Edwin Hood Ferris.
 255. Cadet Jack Roberts.
 256. Cadet Robert Middleton Booth.
 257. Cadet George Madison Jones.
 258. Cadet David Albaugh DeArmond.
 259. Cadet Rives Owens Booth.
 260. Cadet Wilson Larzellers Burley, Jr.
 261. Cadet James Louis McGehee.
 262. Cadet Walter Albert Riemenschneider.
 263. Cadet William Pierce O'Neal, Jr.
 264. Cadet George Place Hill, Jr.
 265. Cadet Melville Brown Coburn.
 266. Cadet Alvin Louis Mente, Jr.
 267. Cadet Harry Franklin Sellers.
 268. Cadet David Bonesteel Stone.
 269. Cadet Roland Joseph Rutte.
 270. Cadet Glenn Curtis Thompson.

271. Cadet Samuel Barcus Knowles, Jr.
 272. Cadet Jack Moore Buckler.
 273. Cadet James Baird Buck.
 274. Cadet Ralph Osborn Lashley.
 275. Cadet Thomas Robert Clarkin.
 276. Cadet John Pope Blackshear.
 277. Cadet John Trueheart Mosby.

TO BE SECOND LIEUTENANT WITH RANK FROM JUNE 13, 1935

Infantry

Cadet Lea Campbell Roberts.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3 (legislative day of May 13), 1935

COLLECTOR OF INTERNAL REVENUE

Giles Kavanagh to be collector of internal revenue, district of Michigan.

COLLECTOR OF CUSTOMS

Martin R. Bradley to be collector of customs, customs collection district no. 38, Detroit, Mich.

POSTMASTERS

NEW JERSEY

Hattie C. Dixon, Bellemead.
 John V. Anders, Grasselli.
 Frederick Baxter, Hohokus.
 Elizabeth Novak, Keasbey.
 Estella L. McMurtry, Mendham.
 Eugene Rambone, Newfield.
 Anna Belle Willey, Pennsville.
 Margaret J. Lippincott, Seaside Park.

TEXAS

Balda J. McMillan, Hughes Springs.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 3 (legislative day of May 13), 1935

POSTMASTER

WYOMING

Frank W. Chambers to be postmaster at Lusk, in the State of Wyoming.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 3, 1935

The House met at 12 o'clock noon.

Rev. Clifford H. Joep, pastor of the Ninth Street Christian Church, Washington, D. C., offered the following prayer:

Our divine Father, we are thankful that Thou art our refuge and ever-present helper. Create in us a clean heart and renew a right spirit within us. Inspire us with a proper sense of duty and high resolve.

Grant that all our leaders in high office may have a true vision of the possible future of our great Nation. May our country's servants have in their hearts this day the faith and daring of the kingdom of righteousness for the sake of the freedom, justice, and happiness of all the people. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, May 31, 1935, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8021. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1936, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. Tydings, Mr.

BYRNES, Mr. HAYDEN, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered that the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1793) to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602).

ANNEX TO LIBRARY OF CONGRESS BUILDING

Mr. KELLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2899) to provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the limit of cost for the construction of the annex, Library of Congress, as fixed in section 4 of the act entitled "An act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930, is hereby increased by \$2,866,340; and the Architect of the Capitol is hereby authorized to enter into a contract or contracts for such amount or so much thereof as may be necessary in addition to the contract authority heretofore fixed by law for such annex.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NAVY DEPARTMENT APPROPRIATION BILL, 1936

Mr. CARY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7672) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. CARY, UMSTEAD, THOM, JOHNSON of West Virginia, SCRUGHAM, McLEOD, and DITTER.

RETIREMENT OF LEADER OF NAVY AND UNITED STATES MARINE BANDS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1609) for the relief of the present leaders of the United States Navy Band and the band of the United States Marine Corps.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Reserving the right to object, will the gentleman explain the bill?

Mr. VINSON of Georgia. I will state that this is a private bill. A similar bill is on the Private Calendar. It has been recommended by the Budget and by the Navy Department, and unanimously reported by the Naval Affairs Committee. It simply permits the band leader of the Navy Band, after 30 years' service, to retire with a rank higher than that which he now holds, and the same thing with reference to the leader of the Marine Band.

Mr. MARTIN of Massachusetts. Is there any reason why it should not await its turn on the calendar?

Mr. VINSON of Georgia. Of course, there is no valid reason; but we do not have very much to do, and I saw no reason I should not make this request. I trust the gentleman will not interpose any objection.

Mr. MARTIN of Massachusetts. I will not object.

Mr. TRUAX. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. TRUAX. Will the gentleman permit me to say that in my judgment this bill ought to be passed now? I have made a careful study of it, and it should be passed.

Mr. VINSON of Georgia. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There being no objection, the Clerk read as follows:

Be it enacted, etc., That from and after the date of approval of this act the present leader of the United States Navy Band and the present leader of the band of the United States Marine Corps shall have the rank, pay, and allowances of a lieutenant in the Navy and of a captain in the Marine Corps, respectively; and in the computation of their pay and allowances all services in the Navy and the Marine Corps of whatever nature rendered by said leaders shall be counted as if it were commissioned service; and the said leaders of the United States Navy Band and the band of the United States Marine Corps shall, at such time as the President in his discretion may direct, be entitled to retirement as a lieutenant in the Navy and as a captain in the Marine Corps, in the same manner as other officers of the Navy and the Marine Corps of such rank and length of service, computed as stated above, would be entitled to retirement.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

POWER OF CONGRESS TO LEGISLATE ON LABOR AND SOCIAL PROBLEMS

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by our colleague the gentleman from Massachusetts [Mr. CONNERY] delivered over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MONAGHAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Hon. WILLIAM P. CONNERY, Jr., over Station WEVD, May 31, 1935:

The question of the moment is, Shall the Congress of the United States, elected by the people and possessing a real knowledge of the conditions existing among our people, be denied the right to legislate constructively for the best and humane interests of the people of the United States, or shall the United States Supreme Court, a body of nine men, highly estimable and learned in the way of the law, be allowed to set aside continually the mandate of the people and the action of the Congress of the United States? In passing it might be well for my listeners to know that none of these men were elected by the people. They are appointed by a President of the United States and confirmed by action of the Senate of the United States.

I will agree that the Congress should not enact legislation which is beyond the powers conferred upon the Congress by the Constitution. I do not complain against the constitutional limitations placed upon the Congress. I do complain against a system wherein it takes 2 years before the Congress is advised that its action in enacting certain legislation is contrary to the Constitution.

At this time it might be well for me to direct your attention to the conditions which would ensue if the Supreme Court, in its wisdom, saw fit to render a decision similar to that recently rendered in nullifying the National Recovery Act at a time when the Congress was not in session. Can you visualize the condition in which the country would find itself?

In these days, with some twelve or more millions of our workers unable to secure profitable employment, when we have some twenty millions or more, or about one in every six of our entire population, dependent upon Government relief, is it too much to expect that the learned members of the Supreme Court should find some way of advising the Congress that the legislation which they are considering enacting, or at least advising the Chief Executive that the legislation which the Congress has enacted and which is awaiting his signature, is unlawful and unconstitutional?

However, if it is constitutional for the United States courts to enjoin workers in New York City from refusing to work upon a product produced in Indiana, as they did some years ago, because it was then contended that the product of the workers in Indiana, when delivered at a building site in New York City, and even until it was later placed in a building in New York City, was still in interstate commerce, then certainly woollens, leathers, boots and shoes, and other products produced in my State, and through interstate commerce delivered in New York City, are amenable to regulation in interstate commerce.

The Constitution specifically grants to the Congress the right to regulate interstate commerce.

The recent decision of the Supreme Court in finding that the Congress had delegated unwarranted powers to President Roosevelt has created a chaotic condition in American industry comparable only to those conditions which existed when the present administration took office in March 1933. This decision has not only placed the death notice on the National Industrial Recovery Act, but many contend that the reasoning pronounced by the Supreme Court in the National Industrial Recovery Act decision will also nullify and set aside the Agricultural Adjustment Act, the Reciprocal Tariff Act, and the recent \$4,000,000,000 Work Relief Act.

In substance, all of the legislation enacted for the better protection of the toilers of America since the advent of the present administration has either been nullified or is greatly endangered.

The result is that at the present moment many Members of the Congress, supported by a large portion of our people, are advocating an amendment to the Constitution whereby the States would specifically delegate to the Congress the constitutional authority to legislate in the matter of maximum hours of work, minimum rates of wages, and economic liberty for the toilers in that they would be authorized to enter into collective bargaining with their employers.

To my mind, while such an amendment to the Constitution is proper and would be helpful I am inclined to the belief that it would take too long a time to prevail upon 36 State legislative bodies to enact the necessary legislation.

It is my belief that Congress can, if it will, constitutionally enact legislation which is necessary to protect our workers and advance the humane interests of all of our people.

The battle to secure through legislative enactment protection for the interests of the toilers is not new. It is but a continuation of the fight which has raged ever since man was freed from serfdom. The fight in those days, many centuries ago, was the question of human rights above property rights. That fight has yet to be won.

The Civil War was fought over the question whether man should be free or be enslaved. In the days prior to the Civil War our colored population were held in slavery for the enrichment of a comparatively few cotton planters. Today, despite the fact that all our people are free in that they have the right to work and live where they please and are upon a basis of equality in electing public officials, there are many who contend that our toilers live in virtual economic slavery in that they are denied an income which will provide a decent standard of living for themselves and their families and too often they are denied the right of collective bargaining. In fact, legally, we find that while our Government recognizes the right of collective action for those possessing property in that we issue corporate charters in order that the owners of the corporation may act collectively and bargain collectively, this privilege is denied to the workers employed by these same corporations.

The question which confronts the Congress and the American people at this moment is, Can the Congress constitutionally enact legislation which will protect the workers in one State from being reduced to penury and pauperism by the willingness or the necessity of workers in other States producing goods, articles, or commodities which are shipped in interstate commerce into another State and sold in that State for prices which are less than the costs of production in the other State, thus depriving the workers of that State of employment at decent wages and working a reasonable number of hours per week?

The Congress, realizing that we have some twelve or more millions of workers unable to secure work, wishes to shorten the number of hours of those employed so as to distribute among those unable to secure work employment at wages which will permit of the workers being self-sustaining. Under the terms of the recent decision of the Supreme Court, many contend that the Congress has not the power to interfere in the matter of hours and wages. I will admit that such contention is true insofar as it relates wholly to those who are engaged in intrastate trade—that is, trade which emanates wholly within one State and which trade does not use any product which has entered or enters into interstate commerce.

However, I am advised that the proportion of our trade which comes wholly within the terms of intrastate trade provides employment for less than 20 percent of our workers.

There are but few products which we use in our daily life that are wholly produced and consumed within the confines of one State. The cotton which we use is produced in our Southern States, and may be spun, may be woven, and may be fabricated either in some Southern State or more likely in some of our North Atlantic States. For many years child labor and pauper wages have been outlawed in most of our Northern States. The same is not true, however, of all of our States.

Recently, while delivering an address on the floor of the House of Representatives, protesting against the exploitation of child labor by unscrupulous employers, I was challenged by a Member of one of the Southern States who contended that there wasn't any child labor or exploitation of workers in the textile mills of the Southland. However, in answer to a question of mine he admitted that he had himself gone to work in a textile mill at the age of 9 and he had received the munificent wage of 5 cents per day. Naturally, his protestations and his championing of the textile mill owners of the Southland did not make much of a hit with Members of the House of Representatives.

The Congress in enacting the National Industrial Recovery Act sought to and did accomplish the elimination of child labor and prevented the continued exploitation of our youth; it did secure a reduction in the hours of labor from around an average of 50 to something less than 40 per week; it did provide a minimum hourly wage of something in excess of 35 cents per hour in place of the 10 and 12 cents per hour which were paid in too many places in our country. It is true that it would have accomplished much more if those entrusted with the administration had not set aside the evident intent of the Congress which was that the representatives of the workers should have equal representation with industry in the administration of the codes of fair competition.

The Senate of the United States had specifically acted on the question of company unions and voted by a large majority against language which would have legalized them. However, with big business in full control and the workers denied opportunity of

action, those entrusted with the administration of N. R. A. not only recognized but, I regret to say, I feel that they encouraged their formation.

When you place in high authority in the administration of the N. R. A. representatives of the Cigarette Trust and other monopolies, those who immediately upon the Supreme Court nullifying the N. R. A. make possible the distribution of the products of workers at less than the costs of production, which means a lowering of the miserly wages of 25 cents per hour, as is now provided, it is hard for the toilers of America to expect much constructive or humane consideration.

It is my belief that the Congress can, if it will, constitutionally enact legislation which will provide that protection which the workers of our country must have.

The Congress has the unquestioned constitutional right to regulate interstate and foreign commerce. In carrying out this power the Congress has the right to license those who engage in interstate and foreign commerce. Likewise, the Congress can specifically declare the conditions under which these licenses can be granted.

It is my intention to present for the consideration of the Congress a bill whereby those who engage in, those who handle or who receive goods, articles, or commodities which enter into interstate commerce shall be licensed by the United States Government.

My bill will create a Federal licensing commission, which commission, as an agency of the Congress, shall be authorized and directed to regulate interstate commerce.

It is true that those who do not transport, handle, or receive goods, articles, or commodities which enter or have entered in interstate commerce will not be affected by this legislation. However, I believe it will affect more than 80 percent of all of those engaged in American trade and commerce. With decent weekly wages, maximum hours not to exceed a number which will permit of steady employment of all of our workers, and the economic liberty to bargain collectively established for this 80 percent of our workers, it is my strong conviction that between the collective action of the workers who are thus freed from economic bondage and public opinion the other 20 percent of our workers will be benefited.

My bill will provide that as a condition precedent to the issuance or the continuance of such a Federal license to transport, handle, or receive those goods, articles, or commodities which enter into interstate commerce that such licensee, shall agree that they will not handle any goods, articles, or commodities which are produced by child or penal labor; by workers employed more than 30 hours per week except where the Commission finds that exemptions are necessary; by workers who receive weekly wages which are not sufficient to maintain a decent standard of living for themselves and their families; by workers who are denied economic liberty in that the employer refuses to bargain collectively with the chosen representatives of the majority of his workers.

In order that there may be no possible infringement of the right of free press newspapers, magazines, and operators of radio broadcasting station will be exempt from the act. Likewise agricultural or farm products processed for first sale by the original producer will be exempted from the provisions of this bill.

I trust that I will have the cooperation of my listeners in securing favorable consideration in the early enactment of this legislation.

I thank you.

WAGNER-CONNERY BILL

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Speaker, I have taken the floor at this time in order to get into the RECORD for the information of the Members of the House some questions in regard to the constitutionality of the Wagner-Connery bill, the labor relations bill. I know there will be a great deal of discussion about that, and I would like to have this in the RECORD before the bill comes up in the House, as we confidently hope it will within the near future.

The pending Wagner-Connery bill, creating a National Labor Relations Board, rests upon a constitutional basis which is not adversely affected by the recent decisions of the Supreme Court in the Railway Retirement and the Schechter cases. Upon the contrary, the implications of those decisions, and the specific holding of the Supreme Court in previous decisions now cited with approval, make it clear that what is sought to be done in the Wagner-Connery bill is within the constitutional power of Congress. In the present situation, the need for the Wagner-Connery bill, if anything, is enhanced rather than diminished.

Section 7 (a) of the National Industrial Recovery Act reads as follows:

Every code of fair competition, agreement and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize

and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; * * *

Section 7 (a) was not self-executing; it did not forthwith confer any new legal rights upon employees, nor impose any new legal duties upon employers. Until an employer became subject to a code of fair competition approved by the President, he could still, without violating any Federal law, discharge an employee for union activity or otherwise interfere with the self-organization of his employees for the purposes of collective bargaining. This was so, because section 7 (a) did not directly prohibit employers from interfering with the self-organization of employees, as Congress might well have done, but provided only that prohibitions of this type of conduct should be included in every code of fair competition.

The Supreme Court held that the code-making process under section 3 of the Recovery Act was invalid because it constituted an attempt by Congress to delegate legislative power to the President "to exercise an unfettered discretion to make whatever laws he thinks may be needed or advisable for the rehabilitation and expansion of trade or industry." The protection to employees which Congress sought to establish in section 7 (a) is nullified by the decision in the *Schechter* case, not because the subject matter of section 7 (a) is beyond the congressional power of regulation, but because the codes of fair competition, in each of which the provisions of section 7 (a) have been embodied, have been knocked out by that decision.

This difficulty on the score of improper delegation, which for the reasons stated indirectly resulted in the invalidation of section 7 (a), is entirely removed in the Wagner-Connery bill. In that bill Congress specifically prohibits certain unfair labor practices, which by fair interpretation would constitute infringements upon the substantive rights of employees declared in section 7 (a). These prohibitions, and the substantive rights are made applicable, to the extent of Congress' power under the commerce clause, to employers and employees irrespective of whether the industry in question is subject to a code of fair competition. The bill, therefore, is entirely independent of the code-making process, and stands on its own constitutional footing quite apart from the ultimate disposition of the pending legislation affecting the National Recovery Administration.

It is significant that throughout the decision in the *Schechter* case the Court drew a sharp distinction between the delegation of legislative power and the Executive procedure provided in the National Industrial Recovery Act, on the one hand, and the formulation, on the other hand, of a specific congressional policy to be administered by boards with procedure of a quasi-judicial nature, such as the Federal Trade Commission, the Interstate Commerce Commission, the Radio Commission, and the Federal Tariff Commission. Perhaps the most striking example given by the Court, and at the same time the closest analogy to the proposed National Labor Relations Board, is the Federal Trade Commission Act, which declared to be unlawful "unfair methods of competition", a phrase which, as the Court recognized, "does not admit of precise definition, its scope being left to judicial determination as controversies arise." The Court goes on to say:

What are "unfair methods of competition" are thus to be determined in particular instances, upon evidence, in the light of particular competitive conditions and of what is found to be a specific and substantial public interest. * * *

To make this possible, Congress set up a special procedure. A Commission, a quasi-judicial body, was created. Provision was made for formal complaint, for notice and hearing, for appropriate findings of fact supported by adequate evidence, and for judicial review to give assurance that the action of the Commission is taken within its statutory authority. * * *

In providing for codes, the National Industrial Act dispenses with this administrative procedure and with any administrative procedure of an analogous character.

The Board set up under the Wagner-Connery bill is just such a tribunal as the court describes. It is a quasi-judicial body, which acts upon formal complaint, after due notice and hearing. Provision is made for appropriate findings of fact, supported by adequate evidence and for judicial review to give assurance that the action of the Board is taken within its statutory authority.

Furthermore, in view of the court's approval of the Federal Trade Commission Act, the constitutionality of the Wagner-Connery bill on the score of delegation is beyond question, because the unfair labor practices in section 8 of the bill are defined with precision, whereas the Federal Trade Commission Act broadly prohibits unfair methods of competition.

Turning now to the interstate commerce aspect, the Wagner-Connery bill is on firm ground as a permissible regulation within the commerce clause of the Constitution.

The decision in the railway retirement case did not turn on a distinction between intrastate and interstate commerce, as has been erroneously asserted, but proceeded on the ground, whether rightly or wrongly, that legislative provision for pensions to retired railway employees was so remotely related to the facilitation and promotion of interstate commerce as not to amount to a regulation thereof. The Court expressly affirmed its previous decision in *Texas & New Orleans R. R. Co. v. Railway Clerks*, 281 U. S. 548, coming up under the Railway Labor Act—

Upon the express ground that to facilitate the amicable settlement of disputes which threatened the service of the necessary agencies of interstate transportation tended to prevent interruption of service and was therefore within the delegated power of regulation.

In that case a railway brotherhood, composed of railway clerks who were not themselves physically engaged in interstate transportation, sued to restrain the railroad from interfering with the right of its employees to self-organization and to designate representatives for collective bargaining in violation of the Railway Labor Act of 1926. The lower court gave equitable relief of the sort contemplated in the Wagner-Connery bill by ordering the company (1) to disestablish its company union as representative of its employees; (2) to reinstate the Brotherhood (which was the recognized representative chosen by the majority before the company began its unlawful interference) as the representative of all employees until they should make another free choice; and to restore to service and to stated privileges certain employees who had been discharged for activities in behalf of the Brotherhood. The Supreme Court in a unanimous opinion affirmed the decree of the lower court.

The decision in the *Schechter* case is limited, on the interstate commerce point, to the attempted regulation of wages, hours, and certain trade practices in the case of a New York company engaged in the business of slaughtering chickens, which were bought almost entirely in the State of New York and sold exclusively to buyers in the same State. The Supreme Court held that in such a business the attempted regulations had no direct relation to interstate commerce and were therefore invalid. The Wagner-Connery bill is not materially affected by this decision for two reasons: (1) The decision does not touch industries or businesses which are interstate in character; (2) the regulations in the bill are of an entirely different legal nature from those in the *Schechter* case and have many times been recognized by the Supreme Court itself as having a direct effect upon the free flow of interstate commerce.

First. The *Schechter* decision is confined, as stated above, to a business which was wholly intrastate in character. The Court, on the other hand, reaffirmed the undoubted power of Congress to regulate businesses and industries which are interstate in character. The Court expressly pointed out that not only were the instrumentalities of interstate commerce subject to regulation but that those industries in which the products flowed in a continuous stream from State to State were likewise subject to regulation. It follows that any industry engaged in the transportation of goods between the States would be subject to the provisions of the bill. So

also all the large manufacturing or processing industries, with wide-spread interstate ramifications, would be subject to the terms of the bill. In these industries raw materials are secured from all States of the Union or from foreign countries, and the products manufactured or processed are shipped out again to every State and to foreign countries. The whole process plainly constitutes a continuous movement of goods in interstate commerce within the meaning of the Court's decision.

Second. Of perhaps greater significance is the second reason why the Wagner-Connery bill is not affected by the Schechter decision, namely, that the regulations provided in the bill are of a different legal character from those before the Court in the Schechter case. The bill thus rests upon a constitutional basis entirely different from that urged by the Government in the Schechter case and not considered by the Supreme Court in that case. The provisions of the bill are designed to remove burdens and obstructions to interstate commerce arising out of strikes and other forms of industrial unrest.

There can be no question but that industrial strife burdens the flow of commerce among the States. This fact has received express recognition by the Supreme Court itself in such well-known cases as *In re Debs* (158 U. S. 564); *Duplex Printing Press Co. v. Deering* (254 U. S. 443); *American Steel Foundries v. Tri-City Central Trades Council* (257 U. S. 184); *Coronado Coal Co. v. United Mine Workers* (268 U. S. 295); and *Bedford Cut Stone Co. v. Stone Cutters Association* (274 U. S. 37). Especially is the burden on interstate commerce of industrial strife significant in times of depression or periods of recovery. As recent experience has demonstrated, a single strike in a large industry at such a time raises grave dangers of throwing the whole economic system out of gear and retarding recovery by many months.

The provisions of the Wagner-Connery bill are aimed to remove these obstructions to interstate commerce. The bill accomplishes this result in two ways: First, it is a well-known fact that many of the most serious and violent industrial disturbances arise out of the resistance by employers to self-organization among their employees or out of the refusal by employers to accept the procedure of collective bargaining. These issues have been paramount in many cases which have come before the Supreme Court, including the *Debs* case, the *Coronado* case, and *International Organization v. Red Jacket C. C. & C. Co.* (18 Fed. (2d) 839, cert. den. 275 U. S. 536). The bill by compelling employers to refrain from interference with self-organization of employees and to accept the procedure of collective bargaining thus directly eliminates the causes of much industrial strife. Second, other industrial disturbances arise out of the struggle between employers and employees over the terms of the wage bargain. The bill by protecting employees in their designation of representatives and by compelling employers to sit down in conference with those representatives establishes the machinery of a method of proved effectiveness for the amicable adjustments of disputes and grievances. So completely accepted has this conference procedure for avoiding industrial conflict become that it constitutes a vital part of virtually every effort in the States and foreign countries to set up machinery for the peaceful settlement of labor disputes.

The Supreme Court has recently expressly ruled that provisions similar to those embodied in the bill have, for the reasons stated, a direct relation to interstate commerce, and are therefore valid. In *Texas & New Orleans Railroad v. Brotherhood of Railway Clerks* (281 U. S. 548), which, as has already been noted, was cited with approval in the recent *Railway Retirement* case, the Court ruled that the provisions of the *Railway Labor Act* of 1926, applying to the railroad industry substantially the same regulations as provided in the Wagner-Connery bill, were valid regulations under the commerce power, not only as to employees actually engaged in interstate transportation but also to clerks, ticket sellers, and other employees not physically so engaged. The power of the Federal Government to regulate industrial relations as the means of avoiding obstructions to commerce has likewise been approved by the Supreme Court as to other

industries in a number of decisions holding that a strike which threatens to burden interstate commerce is subject to regulation under the antitrust laws. Two of these decisions—*Coronado Coal Co. v. United Mine Workers* (268 U. S. 295) and *Bedford Cut Stone Co. v. Stone Cutters Association* (274 U. S. 37)—were expressly reaffirmed by the Supreme Court in the Schechter decision. Thus, in the Bedford case, the stonecutters refused to work upon stone which had been shipped into the State from quarries in other States where nonunion labor was employed. The stone upon which the cutters refused to work was no longer in the stream of commerce or destined for use outside the State in which it rested. The Supreme Court held that the activities of the stonecutters constituted a combination prohibited by the Sherman Act, at pages 46, 47:

That the means adopted to bring about the contemplated restraint of commerce operated after physical transportation had ended is immaterial (citing cases). The product against which the strikes were directed, it is true, had come to rest in the respective localities to which it had been shipped, so that it had ceased to be a subject of interstate commerce * * *. In other words, strikes against the local use of the product were simply the means adopted to effect the unlawful restraint.

In *Coronado Coal Co. v. United Mine Workers* (268 U. S. 295), another celebrated case under the antitrust law, there was a strike of union men in the Arkansas mines of the Coronado Coal Co. The company broke a union contract, declared an open shop (avowedly to reduce the cost of production), shut down the mine, ordered its union employees to vacate company houses, and reopened with nonunion men. Considerable violence followed. The Court found the strikers and the district officers of the union guilty of a conspiracy in restraint of interstate commerce, based upon evidence which the Court held sufficient to sustain a finding that the purpose of the defendants was to stop the production of nonunion coal and prevent its shipment to markets in other States, where it would by competition tend to reduce the price of the commodity and affect injuriously the maintenance of wages for union labor in competing mines. From the point of view of constitutional power, of course, if a strike has the intent or necessary effect indicated by the Court, it is immaterial whether the local means adopted were lawful or tortuous.

How is the Federal Government to deal with the vexing problems of industrial disturbance or strife which in fact burdens and obstructs commerce, whether so intended or not, and where, as is increasingly the case, such obstructions are traceable to the denial of the right of employees to organize, the refusal of employers to accept the procedure of collective bargaining, or the absence of machinery for the amicable adjustments of disputes over wages and working conditions? The solution lies neither in compulsory arbitration, which has never been acceptable to the American people, nor in government by labor injunction, now effectively restrained by the Norris-LaGuardia Act, nor in subjecting labor organizations to the shifting canons of the antitrust laws, which were never intended by Congress to be applied against them. The Wagner-Connery bill goes to the heart of the problem by eliminating specific, well-recognized causes of industrial disturbances substantially burdening or obstructing commerce, and by mitigating or eliminating such obstructions where they have occurred.

It is clear that unfair labor practices which tend to provoke industrial strife substantially burdening interstate commerce may be enjoined before any actual obstruction to commerce arises. Civilized law is preventive as well as punitive. As Chief Justice Taft said in the first *Coronado* case (259 U. S. 344):

If Congress deems certain recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision or restraint.

For this reason the Wagner-Connery bill aims to eliminate practices on the part of employers that tend to provoke manifestations of industrial strife recognized in the Bedford, Coronado, and other cases as directly and substantially affecting interstate commerce, and to substitute the orderly processes of collective bargaining, thereby making the appropriate collective action of employees an instrument of peace rather

than of strife, as the Supreme Court said in the Texas case. The appropriateness and success of such regulation as is here provided is amply demonstrated by the experience with the railroads of the country and the experience of the National War Labor Board during the World War.

To sum up the point on interstate commerce, the Schechter decision relates only to a business engaged solely in intrastate commerce and applies only to regulations of wages, hours, and certain trade practices in such intrastate business. It does not affect in any way the application of the Wagner-Connelly bill to industries and businesses which are interstate in character and does not touch in any way the validity of regulations designed to remove obstructions to the free flow of commerce by eliminating and alleviating industrial strife and unrest.

I close with this observation: We are faced now with a barrage of propaganda from inspired sources to the effect that in view of the recent Court decisions the Congress has no alternative but to abandon its pending legislative program and go home. Implications are being read into those decisions in an endeavor to make them applicable to other situations and problems not before the Court. The President, in his press conference on Friday, painted a vivid picture of national impotence to cope with national problems which would be our plight, if the Supreme Court in future cases does not limit its decision in the Schechter case to the particular facts before the Court.

The Supreme Court, in *Rathbun* against United States, which case was decided on the same day that it handed down its opinion in the Schechter case, invoked the following language from the opinion of Chief Justice Marshall in *Cohens v. Virginia* (6 Wheat. 264, 399):

It is a maxim, not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the Court is investigated with care and considered in its full extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

In view of this salutary reminder by the Supreme Court that its decisions are controlling only on the facts of the case before it, we are guilty of no disrespect for that tribunal in pressing for the passage of the Wagner-Connelly bill. I have no doubt that Congress believes in the principles and purposes of the bill, and this being so, the Congress would be shirking its plain duty if dubious, and I believe unwarranted implications from recent court decisions stampede it into an abandonment of its legislative functions. This is no time to yield to defeatist talk and haul down the flag.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. CONNERY] has expired.

EXCHANGE OF LANDS OF SEMINOLE INDIANS IN FLORIDA

Mr. WILCOX. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 654) authorizing the exchange of the lands reserved for the Seminole Indians in Florida for other lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether he has taken this bill up with the committee which will have jurisdiction over that sort of legislation?

Mr. WILCOX. Yes, sir; it has been taken up and reported favorably by them.

Mr. JENKINS of Ohio. By a committee of the House?

Mr. WILCOX. By a committee of the House.

Mr. JENKINS of Ohio. An identical bill?

Mr. WILCOX. Yes, sir.

Mr. JENKINS of Ohio. With a unanimous report?

Mr. WILCOX. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to exchange lands in the State of Florida reserved for the Seminole Indians by Executive order of June 28, 1911, or purchased for said Indians, or any part thereof, for lands owned by the State of Florida. Upon conveyance to the United States by the State of Florida of a sufficient title to the lands to be acquired for the use of the Seminole Indians, the Secretary of the Interior is authorized to issue a patent in fee or to make other proper conveyance to the State of Florida covering the lands granted in exchange.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMORIAL DAY AT CAMP MERRITT

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a Memorial Day address I delivered at Camp Merritt, N. J.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KENNEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the address made by me on Memorial Day, May 30, 1935, at Camp Merritt in New Jersey, as follows:

We, neighbors, friends, and our children, together with the veterans of our wars, gather here on this Memorial Day with a common purpose—to pay tribute to those who gave up their lives that we might have preserved to us the fundamental principles and purposes to which our country is dedicated.

Americans, we assert and stand ever ready to defend our right to live in a land of liberty, partaking of the happiness that liberty brings as guaranteed by the Federal Constitution.

That right has been purchased by the blood of our forefathers amongst whom are numbered noble, worthy, and gallant Jersey men. New Jersey was one of the Thirteen Colonies. No colony joined in the cause of liberty more readily than did New Jersey. Our State more than any other was battle scarred in Revolutionary days. British and Hessian troops invaded and roamed this immediate vicinity. The stout defense offered in this part of our country harassed the enemy to such an extent that its attack was so weakened as to render powerless and ineffective the offensive which was designed to subdue us.

Five important battles were fought on New Jersey soil—the most important taking place at Trenton. But the Battle of Monmouth will forever be remembered in association with Molly Pitcher, the heroine of that battle. Tourists every summer pause at Molly Pitcher's well in Monmouth County in recognition of her patriotic heroism. And New Jersey likes to think of its Richard Stockton, who signed the Declaration of Independence. No State has surpassed New Jersey in its patriotism, fair dealing, and sense of justice.

Indeed, even the Indians of the Six Nations Tribe of New York early conferred upon New Jersey the honorary title of "Sagorih-wigogstha"—doer of justice.

To the Civil War—fought for the preservation of our great Union—New Jersey made its full contribution, a generous quota of boys in blue. Amongst them were gallant Phil Kearney, the outstanding New Jersey general, who, famed for his bravery, has found a niche in the National Gallery at Washington. And some of our beloved elders who fought in the Civil War still remain with us and come to offer their tribute to fallen comrades, along with Spanish-American War veterans, who fought disease and the enemy, and, in large numbers, with us are the veterans of the World War, whose posts are represented here.

Through this place passed most of our boys to the battlefields of France and the World War. It was the principal gateway to the foreign battle grounds. We well remember camp life here and cherish the memory of the gallant troops as they lingered on their march to battle—the boys of yesterday—our veterans of today.

It may be recalled perhaps that I have introduced in Congress a bill for the establishment on the site of Camp Merritt a national shrine. The measure is now pending and undoubtedly some day, I hope in the near future, we shall have added to the granite monument about which we now assemble, a part at least of the old camp site dedicated to the memory of the boys who came here, remained awhile, and embarked for Flanders Fields, the Argonne, and points along the Hindenburg line in far-away Europe.

President Roosevelt has proclaimed that Camp Merritt should become a national shrine, as troops from every State in the Union came here before shoving off for fighting in France. General Pershing has written that Camp Merritt is entitled to a place in any commemoration in this country of the great World War.

So we are hopeful of having in our midst a great shrine commemorating the part Camp Merritt played in the War of the World.

But you and I must persist in our efforts for the just recognition of Camp Merritt. Let us not be remiss. Persistence will prevail.

Strange to relate, the project for a monument for the battlefield of Trenton commemorating the battle fought there during the Revolutionary War was discussed for more than 50 years before it materialized. On September 20, 1891, ground was broken for the monument and the cornerstone was laid December 26, 1891, 115 years after the battle. The monument was finally unveiled October 19, 1893. The State appropriated for its erection \$15,000, individuals \$15,000, and the contribution of the United States Government was \$30,000.

To the credit of the Camp Merritt Memorial Association, Inc., and the people of Bergen County, our monument to the memory of the boys at Camp Merritt was speedily erected, this tall granite spire, the last vestige of the camp. Yet, we shall not be satisfied until this ground becomes, as it deserves, a national shrine. Each year, we make our pilgrimage and pay homage to the vibrant youth who came here from every section of the country. They were of the whole Nation—this place where they came rightfully belongs to the Nation.

Just why more of New Jersey does not belong to the Nation is hard of understanding, for in the minutes of the Convention of 1787, which framed the Constitution of the United States, is found this resolution:

"Resolved, It is the opinion of this Convention that the State of New Jersey should offer a cession to Congress of a district not to exceed 10 square miles for the seat of government of the United States, over which they may exercise exclusive jurisdiction."

By urging we can, perhaps, have the National Government come now to this part of New Jersey through a shrine established here under national auspices to the memory of our honored dead.

Patriotism called them to the colors. For them it was die for your country. Today they speak to us from their graves and tell us patriotism calls upon us to live for our country. Yes; we must live hard for our country and hold the gains we have made.

We can and will hold them and go forward if we but remember our mission so well expressed in the words of Edward Everett Hale, left for our inspiration:

To look up and not down,
To look forward and not backward,
To look out and not in—
And to lend a hand.

LIFE AND EDUCATION

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I delivered recently.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address made by me to the graduating class of Spangler, Pa., High School, Wednesday, May 29, 1933:

My dear young friends, this is, and properly so, a great event in your young lives, and one that you will doubtless always remember. Whether you take it in thought or in want of thought, it is likely to remain with you; and, as the years go by, it will become more plainly imprinted on your minds as a milestone on your way through life.

There are so many subjects which one could appropriately talk about at your graduation exercises that the real difficulty is the making of a pertinent choice from the wealth of material at hand.

It is probably best that, from this abundance, I should confine my remarks to one or two particulars in order that there be as little confusion in the carry-over as possible, and as little tiresomeness in the attention as might reasonably be expected.

Let us, therefore, have some comment tonight on two very familiar and very easy subjects—life and education. Here are two problems so disgustingly easy of solution that no one but wise men know anything about them; and the age of wise men, as you well know, has long since passed into the realm of fairy tale and fable.

With your permission, I should like to impress upon your young minds the utter hopelessness of any ordinary man dealing even moderately successfully with those questions; and I shall have to ask your pardon for talking to you as if you were young people. Making necessary allowances for different degrees of development, none of you are children as we usually understand that word; nor are you by any means yet grown-up. Don't misunderstand me, please. I am not trying to talk down to you; most emphatically, I am trying to talk up to you.

Up to this time, if you have been fairly diligent in your school work, you have spent many trying hours storing in your minds what the historian, the mathematician, the geographer and others have written on the particular study in hand. Except for those of you who have prospects of advancing further in school work, and to some extent even for those also, you are about to enter upon an entirely different avenue of industry and instruction.

Thus far in your lives others have been paid to work for you. From now on you will be paid to work for others. This is true whether you are later an employee or in an independent business on your own account. And what a world of difference that reversal of position makes.

Your instructors, whether you think so or not, have been bending their efforts to accommodate themselves and their work to your needs and your advancement. Henceforth, it will be your duty to accommodate yourselves to someone else—to your employer, to your superiors, to your inferiors, to your organization, to your husband, to your wife, to the public—in your own need and for your own advancement. The whole world is thrown wide open for your passage, and the way you pass is in a very considerable measure your own doing.

You will understand that any broad principle such as that just stated has its limits of application and we must have in mind some modifications, those that are apparent and those that are probable.

Let me illustrate what I mean if I assert the rule that the way you pass through life is your own doing. I must, at the same time, have in mind other related or affecting rules.

Suppose a month from tonight you receive a message stating that you have been accepted for a position by means of which you expect to earn a living. Next morning you hustle around in order to be at the appointed place on the dot. You are more or less excited, you hurry along all aquiver with expectation, you dart across the street, you are hit by an oncoming automobile. Sometime later you come to consciousness and learn you are in a hospital, permanently, perhaps totally, disabled for the remainder of your life.

It does not make any difference so far as this incident and its application is concerned whether you were at fault or whether the negligence was that of the driver of the car. The point is that suddenly, somehow, the whole course of your life is changed—abruptly, fundamentally, and irrevocably redirected.

Assuming now that you were entirely without fault in the foregoing picture, it is evident that even though in a broad sense your path through life is your own making, in another and a very intimate and crucial sense, some other person, or object, or thing may very materially alter that path.

That brings us up sharply to such important considerations as companionships, associations, the books we read, the friends we admire, the acquaintances we ignore, the individuals we dislike, the course we follow, the machine we operate, the clothes we wear, the thoughts we think, and so forth never endingly.

So, we say, if it be true that our path through life is our own making, yet in saying that we must have in mind the modifiers and qualifiers which existence of itself alone attaches to the rule. We must live this life with other people and other things and other forces outside ourselves, simply because there is no other way of living. And that's an end on't.

This idea is properly applicable to your education. What education you now have is the result of your own doing, with and because of the talents you were born with. It may be that some or all of you have very definite ideas and opinions on many things in life. It is not so much how you came by your ideas and opinions; the important thing is that you have them and the use you will make of them.

If I say to you that you are very likely to make some wonderful discoveries in this arena within the next 20 years, do not be utterly shocked. Life is growth. The physical life growth on the average has almost finished before the mental growth really begins. This mental growth, barring the unusual and accidentals, continues on into old age if the growing is not inhibited.

Here, it seems, is fundamentally what education is, and what schools are for—something that you strive for and, having acquired, keep—thought for the consideration of reasons and ideas. In this attainment it is necessary to acquire a golden mean between wishy-washy, dilly-dally indecision and an obstinate opinionativeness.

If you already have very definite ideas, let us say, on politics and government, it will be interesting and probably worth while to examine those ideas at some near future date.

Let me be practical by giving you an example of what I mean. If you have interested yourself in your studies on civil government, you have learned that the Constitution of the United States established three coordinate branches. First, the legislative, the Congress; secondly, the executive, the President; thirdly, the judicial, the Supreme Court.

Within the last fortnight we have witnessed some terrific clashes among these three coordinate branches of our Government. The effect of the Presidential veto of the so-called "bonus bill" has been far-reaching. I do not mean to argue the bill or the Presidential action on it, although I have my own opinions about the bill and the veto. I merely point out that as you have been reading the dry statement in the books about the veto power of the executive side of the Government you have not thought that it would be exercised on a subject that pointedly, perhaps, concerned your own future.

By another name, but in effect the same thing as the Presidential veto of the action of Congress, the Supreme Court on Monday of this week very decisively and very effectively vetoed the combined action of the Congress and the President.

You may never have heard or been taught that one of the three branches of Government had a veto over the other two, yet that is exactly what happened in the Schechter poultry case. The action of Congress, the legislative or lawmaking branch of the Federal Government combined with the executive or law-enforcing branch, was summarily halted and reversed by the judicial branch, the Supreme Court.

Now, there is no express authority in the Constitution by which the Supreme Court can veto the action of the Congress and the President, yet it was done, it has been done before, and very likely will be done again in the future.

The veto by the Supreme Court has, though you may not yet know or realize it, seriously and profoundly and vitally affected your lives.

But the point I would make is that in the present state of uncertainty, of distress, of anxiety, and of turmoil, it is necessary that we keep our thoughts open to the reception of new ideas, and that instead of rushing headlong into God only knows what condition in the blindness of closed minds, we strive valiantly to balance our emotions and our reasons; that we attain a golden mean and by its exercise achieve ultimate public good and welfare.

My young friends, may I congratulate you very heartily on having advanced thus far in your educational career. May I further wish you an abundant life, one in which you shall reap richly the fruits of your student years and live long to enjoy the ripe harvest of your own earnest and arduous application.

LOYALTY

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address by my colleague the gentleman from Michigan [Mr. BLACKNEY], delivered to the Front Line Post, Veterans of Foreign Wars, on Memorial Day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. WILLIAM W. BLACKNEY, of Michigan, at Washington, D. C., May 27, 1935:

I was greatly pleased to receive your invitation to deliver the memorial address in commemoration of the members of your post that have gone to the Great Beyond. I have long been an admirer of the veterans of our great country. In every great crisis, men from every walk of life have responded to their country's call and made the supreme sacrifice, if necessary, that their country might endure.

It has been my pleasure in my home State of Michigan to have been associated with a splendid group of veterans in my district and in my State, and I have been imbued with their loyalty and patriotism, so on this occasion I gladly join with you in paying tribute to your deceased brothers.

Tennyson, in his beautiful poem Break, Break, Break, said:

"And the stately ships go on
To their haven under the hill,
But oh, for the touch of a vanished hand,
And the sound of a voice that is still."

You are paying tribute tonight to your veteran friends whose voices are still but whose memory still lingers on.

America during the last 5 years has been passing through a period that has tested the manhood and the womanhood of this country. Back in the prosperous days we took our Government as a matter of course, but after the depression came, then we realized that no government could be automatic, that it depended upon the intelligence and integrity and loyalty of its citizens.

During the last 5 years we have heard many expressions of disloyalty to our country—expressions of radicalism, expressions of despondency—and yet we have looked to your great group of veterans during this period of economic stress to be just as good soldiers of peace as you were soldiers of war during the time that you served in your country's cause.

I realize your own great disappointment when the bonus failed to pass. I voted for the bonus when it first came before the House of Representatives. On May 7 this bill passed the Senate, and had the President signed it, it would have become a law; but the President, being opposed to the bonus measure, vetoed this bill in a message which he delivered to the joint session of Congress on May 22. In order to make this bonus bill a law, after the President had vetoed it, it became necessary, under the Constitution, that the bill should pass each House of Congress by a two-thirds vote. The bill passed the House by a vote of 322 for to 98 against, this vote being more than the necessary two-thirds. I voted for the bill. It then went to the Senate, and on May 23 the Senate voted on this measure by a vote of 54 for to 40 against. This not being the necessary two-thirds vote, the bill failed of passage.

Personally, I was sorry that the Senate did not override the President's veto. I have favored the soldiers' bonus all the way through, because I felt that our veterans were entitled to their compensation.

I have chosen as my subject tonight "Loyalty," because that was the motive that called you to the defense of your country.

The first phase of loyalty that I desire to call your attention to is that of loyalty to country and to Constitution. I think that we could safely say that no matter how we have been affected by the depression, we are all willing to admit that we are still living in the greatest country that the world has ever known; that we are still living in a country that gives to its citizens more rights and privileges than any other country; and that at this particular

time every liberty-loving man and woman owes to their country the most affectionate loyalty.

I shall never forget the first time that I visited Mount Vernon, the ancestral home of Washington, Father of our Country. As I stood in that old historic mansion it seemed to me that a panorama of my country's history came before me and I realized as never before the loyalty of that great leader. And I visioned him not only as a soldier of war during the dark, trying days of the Revolution but also as the soldier of peace during the equally dark period of the adoption of the Constitution and the promulgation of our Government.

Washington has long stood as the polar star of American patriotism, and it is still fine at this date to turn back the pages of history and to read of his contribution to his country. It was under Washington's guidance that the Constitutional Convention met in Philadelphia and under his leadership as President of that august body that the Constitution of the United States was adopted.

Historians in speaking of Washington and his character say:

"Alone, in all its glory, stands forth the character of Washington in history. Alone, like some tall mountain peak that has no fellow in the mountain range of human greatness."

Just 9 years after the death of Washington, in the lowly hills of Kentucky, Abraham Lincoln was born, who, when he grew to manhood, was destined to be the savior of the country that Washington had founded. During the dark days of the Civil War the guiding hand and spirit of Lincoln was everywhere manifest, and at the conclusion of that war our Constitution was still in effect and we were still a united Nation.

How important it is, in these times when we are apt to lose faith in our Government, to turn back the pages of history and gain inspiration and loyalty from the life of Washington and the life of Lincoln. I love to quote the great statement made by Joseph Fort Newton with reference to Washington and Lincoln:

"Stately, graceful, nobly fashioned; a giant among freemen in a new world; a man of the out-of-doors, lithe, sinewy, wise in the lore of field and forest; uniting dignity with simplicity; austere of aspect but gentle of heart; a great soldier in whom mental clarity was joined with moral majesty; a man of faith and prayer; a descendent of kings who refused a crown and founded a Republic; an aristocrat leading a democracy; our first President, whose platform was his own character; the greatest man of his age—Washington, the Father of his Country."

"Tall, angular, homely, eloquent; a child of the South, a leader of the North, who grew up in the backyard of the Nation; the son of a pioneer untrained in schools; a village fabulist, postmaster, and country lawyer; hater of slavery and lover of men; a humorist with a heart full of tears; a logician with a soul of pity and pathos; a high priest at the altar of blood and fire and terror; unbendingly firm, incredibly merciful, infinitely patient; a martyr in the hour of victory; the tallest soul of his time—Lincoln, the savior of his country."

"Washington came up from Virginia; Lincoln came down from Illinois. They came with one honor, one purity, one high, disinterested dedication; providential men, providentially trained to do the work appointed; and the Republic is at once their monument and their enduring memorial. May the God who gave us such men to guide us in days ago give us men of like make and mold to lead us in the days ahead."

The second loyalty that I desire to call your attention to is loyalty to our schools and to our educational system. In 1787, the same year that our Constitution of the United States was adopted, the Ordinance of 1787 said:

"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

So that from the very inception of our Government, America has guaranteed to her boys and girls the benefit of an education. And today the public schools of our State and Nation are graduating hundreds of thousands of young men and women who are better prepared by their education to take up the battle of citizenship.

We are all believers in education because we realize that there is a solace and a joy in education that we cannot glean from any other source.

We all owe it to our country to become posted in the affairs of government. We die mentally the day we cease our efforts to learn. There is a fine saying attributed to Michelangelo that expresses the central maxim of this whole new psychology of education. Angelo was made superintending architect of St. Peter's Cathedral on his seventy-second birthday, and he carried on through the reigns of five popes. When he was nearly 90, and had lost his eyesight and became enfeebled in body, he still had his servants carry him into the great temple. As he ran those marvelous hands of his—marvelous because he still continued to use them—over the statues and decorations of that great temple, the old, blind man exclaimed: "I still learn! I still learn!"

And so, my friends, it is with you. Whether you have a great mind or a common mind, whether you are a genius or just an average man or woman, you are still a vital and effective factor in your home, your workshop, your community, and the world so long as you can say with Michelangelo, "I still learn."

The third loyalty that every soldier owes allegiance to is the home. The American home has always been the very bulwark of our civilization. Whether the home is rich or poor in America has made no difference. Some of the greatest characters in American history have come from the humblest American homes.

Recently I was amazed to hear a speaker assert that the American home no longer served its purpose; that it was deteriorating;

that fathers and mothers no longer love their children; that children no longer love their fathers and mothers. To me this statement is absurd. I question whether there ever has been a time in America when the home has better served its purpose than now. Fathers and mothers today are constantly making sacrifices that their boys and girls may attend school and fit themselves for American citizenship, and these boys and girls are loyally responding.

Let me illustrate. Some few months ago an old factory man of my city came to my office to consult me. He had lost practically all of the property that he had in the recent depression, and yet he had not lost faith in American institutions. In the course of our conversation he proudly told me that his three children, for whom he had made so many sacrifices, had not lost one day of school in the last three years, and stated that while he would not be able to leave them any money, it was his thought and his prayer that he might be able to leave them an education to fit them for the battles of life. This spirit of self-sacrifice is evident everywhere among our fathers and mothers.

And, finally, the last loyalty of which I shall speak is loyalty to church. From the inception of America we have recognized the right of every man and woman to worship God according to the dictates of their conscience. In this country Jew or Gentile, Catholic or Protestant, can worship God as they see fit. Such is one of the glories of America.

I wish to take this occasion of congratulating the veterans of Front Line Post, Veterans of Foreign Wars, and also all other veteran organizations throughout the country, for manifesting Americanism so prominently during the last few years. In these days when old landmarks are being removed and when expressions of radicalism are being heard on every hand and condemnation heard of our form of Government, it is exceedingly refreshing to meet a group of American citizens who believe in American institutions and in American Government.

You are not interested in communism; you are not interested in socialism; you are not interested in fascism. But you are vitally interested in Americanism. It was for Americanism that you enlisted in your country's cause. It was for Americanism that you fought; it is for Americanism that you today are active citizens in this great country of ours.

Under our American Constitution, which has so safely guided our country during the 146 years of its existence, we have three divisions of Government—the legislative, the judicial, and the executive—each independent of the other and each working together harmoniously to make a united country and a united Government.

During the last few years the feeling seems to have been growing in certain sources that the executive branch of our Government was predominant, that it was the right and duty of the executive department of our Government to dictate to the legislative department with reference to the passage of laws.

Unfortunately, Congress, for the time being, fell from its high estate and was instrumental in passing laws against the judgment of many leaders of Congress, laws delegating great powers to the executive department unwisely and unconstitutionally. But fortunately for the American Constitution and for American institutions, we have the great Supreme Court of the United States that since 1789 has functioned so efficiently and so well, with no taint of scandal or dishonor attached to it. The Supreme Court now stands out as the very balance wheel of the American Constitution.

Let me illustrate. In the National Industrial Recovery Act which was passed by the Seventy-third Congress, great delegations of power were given to the executive department of the Government; delegations of power to such an extent as to greatly weaken Congress itself and to make it appear as though Congress was subservient to the executive department. Today the Supreme Court, in one of the most fundamental decisions that has been handed down in many years, declared the N. R. A. unconstitutional, in that Congress had made delegations of its power to the executive department unconstitutionally; and also in that Congress had no authority over intrastate commerce, jurisdiction of which is reserved exclusively to the States.

It is to be hoped that this decision settles, once and for all time, the equal supremacy of the legislative, executive, and judicial departments; and that from this time on, each department of Government will recognize its duty and will perform it, leaving to the other departments of Government their duty to perform. I do not hold that the American Constitution is an unchangeable document, but I do hold that attempts to encourage nullification of provisions of this Constitution should be discouraged and discontinued. The Constitution itself provides methods of amendment, and when the occasion arises that our fundamental document should be changed in some particulars, then there is a constitutional way of bringing that about.

In conclusion, let me urge upon you to renew your love and allegiance to our Constitution and to our flag; to do everything in your power to raise the standards of American citizenship to the highest possible, and to work so that America will be as Lincoln said many years ago, "A Government of the people, by the people, and for the people."

THE MILITARY COLLEGE OF SOUTH CAROLINA—THE CITADEL AT CHARLESTON

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an address made by myself at the commencement of the Citadel Military College at Charleston, S. C., on June 1.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I append hereto for printing as a part of my remarks, by permission of the House, a copy of the address delivered by me on June 1, 1935, at the commencement of The Citadel, the military college of South Carolina, located at Charleston, S. C. On that day 97 outstanding and very promising young men received the degrees of A. B. and B. S. after 4 years of faithful study and thorough training.

This school has a high standing for scholarship and discipline. It has a long history of nearly 100 years of splendid service to the State and Nation. Her sons have always taken high places in all walks of life, and especially as soldiers in time of war. Citadel graduates adorn the pulpit, the bench, the bar, the medical and engineering professions, and most other professions and lines of business and industry. The faculty of The Citadel consists of ripe scholars and experienced teachers. Men of distinction and of high character have always headed this historic college as its president. At the present time we South Carolinians are fortunate to have Gen. Charles P. Summerall give his rare ability as a scholar, his great fame as a soldier, and his stalwart character as a citizen and gentleman to the presidency of The Citadel. His life and example are an inspiration to the young men of the cadet corps. His leadership in many civic enterprises is a great asset to all our people.

The student body of the Citadel usually consists of something less than 600 cadets, and the military discipline is thorough and exacting, while the scholarship requirements are high and widely recognized. The climate of Charleston during the scholastic year is mild and genial, and is well adapted to outdoor sports, games, and athletic exercises, and permits outdoor drill all through the winter season. I regard it as an ideal location for a military college, and am happy to note that parents from other States, especially from the northern tier of States, are coming to recognize the advantages to be had at The Citadel as a place for the education of their sons.

I was particularly honored to receive the invitation of the faculty and of the board of visitors to deliver the commencement address on June 1, 1935, and herewith submit the same for printing as a part of my remarks.

Mr. President and gentlemen of the faculty, trustees of The Citadel, and cadets, especially of the graduating class, ladies, and gentlemen: It is good to be in Charleston. It is great to try to serve The Citadel. This city and this institution personify the permanent, the worth-while in character. When all the world seems in flux, when change is thought by many to have a value all its own, when to tear down just to rebuild in another fashion is a popular pastime, it is restful and reassuring to pause a little while here, where age as age is respected, where needless change is resented, and where history, tradition, and even sentiment are revered, not reviled, and sincerely fostered, not cynically flouted.

I used to think that Patrick Henry and Thomas Jefferson were 100 percent right when they declared, though in different words, "that men are disposed to bear the ills they have than fly to those they know not of." Is it true today? Is it not too often true that the more extreme, radical, even revolutionary the voice may be, the greater the following, at least the larger the audience? Reverent, sincere questioning of existing institutions is always desirable. But now reckless, superficial, defiant, contemptuous challenging of our whole social structure is too often the rule, and breeds the germs of danger.

The ultramodernistic fashion prevailing in so many colleges and universities of following after the strange gods of pacifism, communism, fascism, nazi-ism, and other destructive devitalizing notions, is not in vogue here at The Citadel and in Charleston. Such silly sentiments find no comfort in your faculty and your student body. Recently a college student from a distant State wrote me he would never fight for this country or any other. If he will not volunteer, and if the draft does not catch him, he would cowardly let others defend his country, his home, his life. Does such a person deserve to enjoy the blood-bought blessings of liberty and civilization? Yet he threatens to fight to maintain his claim of right not to fight.

Not all change or desire for change is bad. In the long stretches of history revolution often appears as an essential stage in social evolution. Such indeed was the American Revolution. But it was not a violent uprooting of economic, social, or family ideals and institutions. Rather it was a rededication to the noblest and best in the transported, inherited English civilization. It was a change in the superstructure of government, with the intent and result of giving new force and vigor to the individual, the family, the community, the State, the Nation.

RIGHTEOUS WAR OF DEFENSE

Surely no sane person would even try to justify an unprovoked war of aggression upon the territory or rights of any other people. Such a war by America is impossible. All her diplomacy, which is openly published, is conducted by direct representatives of the people. Under our constitutional set-up war may be declared only by Congress, which is constantly kept in close touch with people. No Napoleon, king, czar, or kaiser can for his own ambition or greed make cannon fodder of American youth. But, by the same token, no foreign potentate or power should ever have reason to think that American manhood will shrink before any invading forces upon our land, or our waters, or our rights. But they will certainly think so, unless Americans are adequately trained to cooperate in masses in the use of the arms and instrumentalities of defense, and possess these weapons, and also possess the industrial means of reproducing these weapons and supplies in quantity when needed.

NO CHANGE IN HUMAN NATURE

Some people dread and some even refuse to face these hard facts of history and human nature. Let us take a typical cross-section example from real life. My great-grandfather lived through three wars. My grandfather lived through three wars. My father through two wars, and I have already lived through two wars, and though I devoutly hope I may never know another in our land, there may be conditions more to be dreaded than a war in defense of rights and ideals. Human nature has not substantially changed, certainly in the last few generations. Poets and dreamers have always, as far back as early Bible times, expressed the fond hope, which we all sincerely indulge, that wars may cease upon the earth. But the same Bible records war after war, and extols the virtues of the righteous warrior. War is often necessary to enforce and preserve the right sort of peace. We have certain national policies, such as the Monroe Doctrine (correctly interpreted), the freedom of the seas, the doctrine of neutrality. If these are violated by another nation, we must either defend them or abandon them. If we supinely abandon them, the next step would be that some greedy, insolent nation may invade us and take a good slice of our territory and compel payment of a huge indemnity and enforce the surrender of our rights. To escape such fate we will and can and must defend ourselves.

How can we defend ourselves? Merely by wishing to? Merely by rising in unorganized masses with simple weapons in our hands? Certainly, not now. Even those powerful, warlike Gauls, Germans, and Britons, vastly superior in numbers, could not defend their lands against the well-trained and well-armed legions of Rome led by Caesar. Have there been no Caesars and no Romans in modern times? Who dare gamble with his country's freedom as stakes? Who can say that other Caesars will not come in the future, come even to American shores? There is much talk about outlawing war and about outlawing certain instrumentalities and weapons of war, such as the airplane, chemical agencies, submarines, and also against bombarding and starving out industrial and commercial centers of population. Such attempts are like trying to kill a plant by cutting off its top branches. War is not a cause, but a result. It is not a germ, but a symptom of international disease. It is useless to attack results as such, but necessary to remove the cause. To kill the weed, one should dig up the roots.

NO CIVILIZED WARFARE

Furthermore, it is vain to talk about trying to make a genteel war by formulating certain rules of war called "civilized warfare." When nations begin to war against each other as nations and not merely by armies, when each nation feels that its very life is at stake, it will not hesitate to resort to any means of weakening or destroying any part of the enemy nation, whether it be the armed forces or the civilians behind the lines supporting and sustaining the armed forces.

In the old days armies were like champions fighting far removed from the civilian population. Now, war is not merely a clash between men in arms but it is a mighty struggle between one industrial system and another industrial system, a contest to the death between the will power and morale of one nation against the will power and morale of another nation. In a very real sense, those behind the lines preparing and producing the things that armies must eat and wear and the munitions that armies must employ are part of the fighting forces, and perhaps the more essential and vital part. Hence, one nation will attack the civilian population of another nation by any means available, whether by submarines or airplanes or poisonous gases or radio power of destruction or by any other means.

OCEANS NO LONGER MAKE AMERICA SAFE

America can no longer feel herself secure by pointing to an ocean on the east, a broader ocean on the west, and friendly powers to the north and to the south. All nations are friendly till war breaks between them. The ally of today is the open enemy of tomorrow. Often the enemy of today is the ally of tomorrow, and all history exemplifies this truth. Unfortunately, America is no longer safe behind her boasted ocean barriers.

At present speeds a plane can cross the Atlantic in less than 12 hours and cross the Pacific in less than 36 hours. What developments tomorrow may bring in the speed, the cruising range, and the carrying power of these aircraft is a matter of conjecture, but one thing seems practically sure: The progress that has been made in the last 10 years in the matter of speed and range and lifting power will be doubled in the next 10 years. If that be

true, then America must face such a situation with open eyes. Formerly our isolated situation led to certain policies and to certain principles of defensive strategy that are now no longer applicable. Even the Atlantic Ocean is but little wider today than was the English Channel in the days of Napoleon. Even the Pacific Ocean is not as wide today as was the Adriatic Sea in the days of Caesar. Washington and all other American cities are today nearer the great metropolitan centers of Europe on the one side and of Asia on the other than was Paris to Berlin in 1870. It is foolish to blink these facts. It is foolish to say that war under modern conditions should be prohibited, because war would be destructive of civilization. Such pious exclamations will not deter the outbreak of war nor mollify its conduct. We must strike at the deeper roots, and if we would avoid war, we must strike resolutely and unselfishly in the spirit of genuine unfeigned Christianity. War has its origin in the mutual hatred, jealousy, and envy growing out of trade rivalries, racial competition, religious differences, and all of those economic, social, and moral forces that move the masses of men to action.

Armies and battleships do not cause war. They are employed only at the time the people become aroused to such pitch of passion that reason has fled and men must and will fight. If there were not present these modern implements of destruction, men would fight with fists and sticks and rocks. If we would avoid war we must be willing to lay aside foolish pride, inordinate greed, selfish ambition, and be tolerant and broad-minded and charitable toward what is said and done in and by other nations. We can set an example to other nations in this tolerant attitude. But that alone would not prevent war, because the same tolerance and the same charitableness and the same spirit of Christian forgiveness must prevail in the other nations also in order to restrain them and to prevent their aggression. Since these causes have their roots in the hearts of the nearly two thousand million individuals over the face of the earth; and since the processes of education, civilization, of refining and Christianizing of so many people are necessarily slow, it would be just as idle for America alone to lead in the act of disarmament as it would be for a law-abiding citizen of this city to fail to have adequate weapons for home defense behind the door. America can and will maintain an attitude of nonaggression toward all other nations; but however pacific her mind, however nonresistant her attitude, however nonaggressive her policies, she cannot afford to gamble upon the presence or absence of such peaceful states of mind among the sister nations of the earth. For that reason a safe and sane program of national defense is our only safe and sane course.

RAISING HUMAN VALUES

And now a word about our State and our people. The work of recovery and redemption will not be finished with the return of material prosperity. Along with it and as fundamental to it, must be the raising of human values. We need never expect and, in fact, never desire numerous swollen fortunes, such as may be found in States where vast natural resources abound. But we must take pride in a higher form of wealth. We must achieve a manhood and womanhood of such strength and stamina as to command the attention and respect of the country and the world. To this end all of our schools and colleges must receive not only our financial but our moral support and cooperation. Yet we must not lay the whole responsibility upon schools and colleges. It is a mistake to assume that mere book education produces character and changes human conduct. Knowledge is power, but a trained intellect is a two-edged sword. For this power to be of public benefit and for this intellect to serve the common weal, they must be guided and controlled by unselfish, patriotic, and Christian character. Schools and colleges are helpful in the formation of character, but they alone cannot confer it.

The great nursery for the building of the essentials of right character is the home. The home influence is dominant and enduring. Though some fathers and mothers may so desire, they cannot transfer their responsibility. It cannot be passed over to teachers and professors. Unless the right example and the sound precept be ever found in the home, then the future is not safe. It will require the constant cooperative influence of school, church, and home to make our people unique and distinct in high human values. We have been laying relatively too much emphasis on money and material things. In the race for wealth we are beaten before we begin. But we can attain superiority in the physical, intellectual, and moral qualities of all our men and women. Such a superiority is enduring. Riches may flee, but the virtues and values of high character live on forever. To excel in this respect is worth while. May all the forces, agencies, and influences of our beloved Commonwealth combine to achieve this highest standard of human quality.

STOP INDULGING IN SELF-PITY

We South Carolinians have too often indulged in self-pity about our lack of natural resources and our relative poverty in economic and industrial respects. Such a mental attitude indicates a false standard of value. Consider barren, rock-bound, rugged Scotland, with her cold and inhospitable climate. She has set no store upon wealth and material greatness and power. She has concentrated her energies upon developing manhood and womanhood with powerful physique, strong intellect, and stalwart character. What is the result?

Scottish influence well nigh dominates the entire British Empire, and has done so for almost 200 years. Furthermore, wherever the English language is spoken there is the Scot distinct in his individuality, outstanding in his efficiency, and incorruptible in his

loyalty. What an example for South Carolinians to follow! Let money be but a means to manhood and wealth but the royal way to womanhood. Let all South Carolinians, all their institutions, all their agencies, and all their influences concentrate upon the final product of producing people of the right sort. Then the very name of South Carolina will constitute a passport into every other State and into every other country, and that passport will be stamped with the seal of universal recognition that South Carolinians are distinctive, that they are efficient, that they are trustworthy, and that they set human value above money value. To possess such men and women will be a wealth that millionaires will envy and that all their gold cannot buy. It will be a treasure that time cannot tarnish and depressions cannot destroy. It will be an asset that cannot disappear; it will bear dividends that will increase with the passing years; and when the final balance sheet is struck, when the great add-up is made, with such facts, forces, and figures to her credit South Carolina should lead her sister States.

THE TRUE STANDARD OF SUCCESS

Doubtless you young gentlemen about to graduate are now thinking much about that other school of life about to commence, thinking about the jobs and the pay and asking yourselves, "How much will I get"? But a more fundamental and important and far-reaching question is, "How much can I give? How much am I really worth? What can I do to deserve reward? How can I receive unless I truly serve? What do I owe to my family and friends, to my State and to my Nation?" First answer sincerely these heart-searching questions, and the other problems of pay, salary, and fortune will finally adjust themselves rightly.

HUMAN INFLUENCE IS IMMORTAL

We have more to do as responsible human beings beside making a living. It is our solemn responsibility to make a life. In that larger sense, we must also help make the lives of others. In a word, we must exert influence, and the all-important question is, What sort of influence shall we exert? Influence is one manifest and almost obvious evidence of immortality. Influence not only persists, endures, lives forever, but increases, enlarges, and multiplies with the passing of time.

A conspicuous example of undying and ever-widening influence is before us today. During the dread days of the War between the States, a young lady taught girls in a little red schoolhouse at Cross Hill, in Laurens County. Among those girls was my mother. A thousand times and more have I heard her say, "Miss Pelot always said this", or, "Miss Pelot always said that", or, "Miss Pelot often told us girls so and so." To her whatever Miss Pelot had said was the standard of true morals and right conduct. Throughout my mother's busy and fruitful life she constantly reflected the influence of that wonderful teacher, and by reason thereof I am become in some small degree a spiritual heir-at-law of that same marvelous and talented teacher, Margaret Cornelia Pelot. And so with the sons and daughters and grandsons and granddaughters of all the other girls, who as pupils came under the spell and inspiration of this remarkable woman. But if such be the case as between teacher and pupil, what about the case of mother and son? Her son here, now the President of this great and useful institution, has been before the members of this graduating class for 4 years. Throughout his more than 40 years of service in our Army hundreds of thousands of men and officers have felt the urge and impulse to do noble deeds, to live loftier lives, to serve, to suffer, and to conquer because Charles Pelot Summerall was there to command, to say the word, and then to lead the way. Law having put a period to his direct military service, his countrymen called him to lead in this military college. Though The Citadel be not great in numbers as compared with some colleges and universities, it is great in abiding influence. Though it is not large in material resources, it is large in rare tradition, in splendid history, and in the fine fruitage of her sons.

What an opportunity was opened here for General Summerall to follow the example of one of the South's, yea, one of the Nation's, greatest and noblest sons, Robert E. Lee. Fortunately for The Citadel, for Charleston, and for South Carolina, General Summerall was not slow to see and to seize the chance to crown his glorious life with this unselfish, unstinted service to the sons of his mother's State. Truly did our Master teach, "He that would be chiefest among you, let him be servant of all." And when others and yet others in long succession shall follow General Summerall as president, the successive generations of cadets as they shall pass in review and then pass out of view will repeat the tales and recite the traditions of these days, of these Periclean days, and when a full general of the Army, full of worthy honors, followed into retirement by the plaudits of 4,000,000 World War soldiers, was fired by the example of the immortal Lee, and found here a place to serve in this city of rare culture and in this school for the civilian soldier, in this State, poor in finances but rich in her strong and unspoiled young manhood. Here in the city where he studied at Porter's Military Academy, here where in boyhood he formed so many firm friendships, here among you fortunate citizens of Charleston, the great soldier lives in quiet simplicity, the profound scholar speaks in plain words, the noble son here continues to prove true to the ideals of that noble mother.

In the light of such example, in the face of hundreds of such examples known to all of us, how can any sane person assert that there is no immortality?

ONWARD, SOLDIER CITIZENS

From here and now, you young gentlemen of the graduating class, go forward into action. Here you have received your general orders, but in action you must rely upon your own individual resources and personal initiative. Each man must estimate the situation for himself. No longer a close formation, no longer a leader to command and guide, no longer a fellow cadet at each elbow to inspire and assist. On you and on you alone will depend the issue of the day. With knowledge to light your way, with trained will power to drive you forward, with conscience to guide your course as the compass guides a ship, you will go forward into what we always call, "the battle of life." Your mother college will follow your fight with fond but anxious eyes. Your friends will be here and there in the same wide field. Your competitors, your economic enemies, will also be there. As you advance, turn often in your mind's eye to this time-seasoned and service-honored college, and read, as it were a motto, in bold letters upon her banner, these words, "Carolina, The Citadel, and Summerall expect every man to do his duty."

MEMORIAL DAY ADDRESS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I delivered on June 2, 1935, under the auspices of the E. V. White Chapter, United Daughters of the Confederacy, at Beallsville, Md.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD, I include the following address which I delivered on June 2, 1935, at the Monocacy Cemetery, Beallsville, Md., under the auspices of the E. V. White Chapter, United Daughters of the Confederacy:

JEFFERSON DAVIS

Jefferson Davis was a gallant soldier in the War with Mexico, and one of the most accomplished statesmen who ever sat in the Senate of the United States, but he is best known as the President of the Confederacy.

History is more tardy in doing justice to the political leaders of civil wars than to their military chieftains. The feeling against political leaders is more intense and more lasting than against military commanders.

Civil conflicts engender hatreds, inflame passions, create prejudices, provide misunderstanding, and foster misrepresentation. The political leader typifies the cause and is held accountable for the results of war. He is the very incarnation of the civil war itself. The casualties of war result in hatred and animosities between the contending peoples. There is a glamor about military commanders that does not obtain with respect to leaders in the political forum. People forgive opposing generals more quickly than they do opposing Presidents.

Time is a great adjuster. As the years pass the breezes blow more gently. Reason succeeds prejudice; justice replaces passion. Time has healed the wounds of the War Between the States. Time alone can eliminate the bitterness of fratricidal conflict. As L. Q. C. Lamar, a great Mississippian and a great American, said shortly after the war in his eulogy of Charles Sumner, of Massachusetts, "My countrymen, know one another and you will love one another."

The hour has struck to record impartial truth in the tribunal of history. As the sun shines above the clouds, so the truth shines above the clouds of malice that distorted facts, warped opinions, and influenced judgments for years following the war. But sectional feelings and sectional differences are disappearing. The reconciliation of the North and South was promoted by the Spanish-American War as Joe Wheeler fought by the side of Theodore Roosevelt in Cuba and the reconciliation was completed in the World War when the grandsons of those who wore the blue fought side by side with the grandsons of those who wore the gray at Chateau Thierry, Belleau Woods, and in the Argonne Forest as they turned the tide for victory in the greatest of all wars.

While fraternity and reconciliation generally obtain, occasionally there are discordant voices. During the present session of Congress, Representative HAMILTON FISH, of New York, introduced a bill to provide for the erection of a statue of Robert E. Lee at Arlington. The ladies of the Massachusetts Women's Relief Corps of the G. A. R., in opposing the happy gesture of Representative FISH, have exhibited a relentlessness that is worthy of a better cause and have manifested a sectionalism that should be obsolete. The sentiment of Charles Francis Adams, a distinguished son of Massachusetts and an officer in Grant's army, is nobler. In 1902 he asked:

"Shall Robert E. Lee have a statue? * * * I propose also to offer to your consideration some reasons why he should and assuredly will have one, if not now, then presently."

Again, he said, in 1907:

"As a result of much patient study and most mature reflection, that under similar conditions I would myself have done exactly what Lee did; in fact, I do not see how I, placed as he was placed, could have done otherwise."

The voice of discord is now the exception rather than the rule. William McKinley, himself a soldier, and President during the Spanish-American War, probably contributed more than any other man in promoting the spirit of good will and reconciliation when he advocated, in an address before the Legislature of Georgia, the care of the graves of both Federal and Confederate soldiers. I gladly turn away from the sectional hatred of the New England women who opposed the erection of a statue of Robert E. Lee in his own beloved Arlington to the finer and nobler sentiment of patriots and soldiers like William McKinley, who said:

"We are a reunited people—united in interest, sentiment, purpose, and love of country as we have never been before. Sectionalism has disappeared. Old prejudices are but a faded memory. The orator of hate, like the orator of despair, has no hearing in any section of our country."

I believe that the just and generous words of President Theodore Roosevelt typify the spirit of a reunited country when he said:

"Gen. Robert E. Lee is without doubt the greatest of all the captains that the English-speaking people have brought forth, and this although the last and chief of his antagonists (General Grant) may claim to stand as the full equal of Wellington and Marlborough."

Brave and generous souls may differ, but they accord to others of equal bravery and generosity the sincerity of their convictions. Brave and generous men and women of the North now accord to the people of the South the right and privilege of reverence for the valor and memory of those who sacrificed their all upon the altar of their country for that which they believed to be right.

Plutarch, in one of his essays, speaks of Antiphanes, who related that in a certain city the cold was so intense that words were congealed as soon as spoken, but he says that after some time they thawed and became audible so that words spoken in winter were articulated the following summer.

The opinions of Jefferson Davis, long congealed, are now audible. Posterity will do him justice. As soldier, statesman, and President he ranks among the greatest of Americans.

The lofty characters and the high achievements of the leaders, both North and South, in the War between the States, are the heritage of a reunited people. The pen of truth and the tongue of justice can record and describe without malice and without prejudice the life and character of both Jefferson Davis and Abraham Lincoln.

Tardy justice has been done to the memory of both of these illustrious men. Abraham Lincoln, a lover of liberty, was determined to preserve liberty in the Union. Jefferson Davis, a lover of liberty, resorted to secession as a last desperate remedy to preserve the liberty guaranteed to the sovereign States by the Constitution. In the North, Abraham Lincoln while President was reviled, but the bullet of an assassin made him a martyr. Andrew Johnson, his successor, was impeached for undertaking to carry out his policy of reconciliation in the reconstruction of the South. Time and subsequent events have demonstrated the wisdom of the course of Lincoln and Johnson.

Jefferson Davis was misunderstood. He was criticized and often denounced by the people of the South during the progress of the war. As a prisoner at Fortress Monroe following the war, manacled in a casement and bound in chains, for 2 years he suffered for the alleged sins and for the alleged iniquities of the people of the South. As the vicarious sufferer he became the sacrifice of the people of the South and he was enshrined as a martyr in the hearts of his countrymen.

In the historic capital of Lombardy there is a monument whose base is a block of marble. The monument is rather small but of exquisite beauty and design. Some five or six steps lead to the statue of a man in senatorial robes on the block of solid white marble. At the base of the figure a woman kneels and as she supports herself with one arm she writes with the other outstretched with pen in hand on the pure white marble the single word "Cavor."

When Italy came to write the name of a great son and to honor a great patriot, it was not necessary to add an epitaph to tell the world of Cavor and his work.

When we mention the name of Jefferson Davis, the President of the Confederacy, who risked and lost all save honor, and who defended the cause of the Southland to the hour of his death, it is no longer necessary to tell the world who and what he was.

Ours is a reunited country. The differences of the past are not only forgotten but they are forgiven. The people North and South present a solid front in defense of the Government founded by Washington, saved by Lincoln, and preserved by Woodrow Wilson.

There is glory enough for all. The acts of bravery and the deeds of heroism, both North and South, should be celebrated in song and story.

Mutual understanding and appreciation are imperative to the peace and welfare of the whole country. Mutual self-respect is essential to happy and peaceful living.

Fair and generous thinking and courteous speaking are just as essential in a reunited country as sound money and sound currency. Cicero, in noble words, tells us:

"It is the first and fundamental law of history that it should neither dare to say anything that is false, nor fear to say anything that is true, nor give any just suspicion of favor or disaffection."

We can invoke the high standard of history in considering the life, character, and services of Jefferson Davis—a great man in a great epoch.

LIFE

Jefferson Davis, the son of Samuel Davis, of Welsh descent, and Jane Cook, of Scotch-Irish extraction, was born at Fairview, Christian County, now in Todd County, Ky., on June 3, 1808, and died in New Orleans, La., on December 6, 1889. It is a striking coincidence that Abraham Lincoln was not only a native of the same State but was born about the same time and in the same general locality. Abraham Lincoln was born February 12, 1809, about 65 miles distant from the birthplace of Jefferson Davis, in Hardin, now Larue County, Ky.

The parents of Jefferson Davis were among the substantial middle classes. They did not belong to the aristocracy, as is frequently thought. Samuel Davis was a captain in the Revolutionary War, and three brothers of Jefferson Davis saw service in the War of 1812. His mother was a woman of keen intellect and of graceful bearing.

Shortly after the birth of Jefferson Davis, his parents, who had moved from Augusta, Ga., to Fairview, Ky., went into the far South and located along Bayou Tesche in southern Louisiana, where they resided for only a short time, when they finally moved to Wilkinson County, Miss., and located on Rosemount Plantation, about a mile east of Woodville.

Jefferson Davis attended the common schools in the log cabin of the day. At the age of 7 he was sent to a Catholic institution then known as "St. Thomas", near the town of Springfield, Washington County, Ky., where he remained for 2 years. On his way from Mississippi to Kentucky, he accompanied Maj. Thomas Hinds, of Mississippi, who had served most gallantly under Andrew Jackson at the Battle of New Orleans, and with Major Hinds he visited the Hermitage. Jefferson Davis became a great admirer of Andrew Jackson, and he always referred to him as a great and courtly man. In his latter days he spoke of the impression made upon his youthful mind by Mrs. Jackson. He said she was kind and sympathetic, but, like most women of her day, was deficient in education.

Upon the expiration of 2 years at St. Thomas, Jefferson Davis attended for a while Jefferson College in Adams County, Miss. He probably received his best training at an academy in Wilkinson County, Miss., which he entered at the age of 10. These academies in the South before the war were conducted by men whose life's work was teaching. They are often referred to as pedagogues. They were thorough scholars; they taught courage as well as history; they taught character as well as literature; they emphasized morality as well as mathematics; they were not so much concerned about the degree as they were about the development of manhood. With them the supreme aim of education was character. In such an academy Jefferson Davis was prepared for admission to Transylvania University, Lexington, Va., where he was on the eve of graduating at the age of 16 when by the influence of his older brother, Joseph Davis, a prominent and wealthy planter of Warren County, Miss., he was appointed to the Military Academy at West Point, which he entered in 1824 and from which he was graduated in 1828, twenty-third in a class of 33.

Jefferson Davis was the youngest of 10 children. A great sorrow came to him as he was entering the Military Academy—his father died on July 4, 1824, at the age of 68.

In November 1836, Jefferson Davis attended the dedication of a Baptist Church upon the spot where he was born in Fairview, Ky., having previously contributed to the church the plot of ground upon which the building was erected, and having also previously given to the church a beautiful silver communion service. In speaking at the dedication he reminded the congregation, as he paid tribute to his father, that while he himself was an Episcopalian, his father was a Baptist and a better man than he.

Upon his graduation from West Point he was commissioned a second lieutenant in the Infantry. He saw courageous service in the Black Hawk War, in which Abraham Lincoln also served as a captain of Volunteers. Lieutenant Davis was assigned to the command of Col. Zachary Taylor, between whom there developed a coolness, if not a personal estrangement, in connection with military discipline.

Lieutenant Davis fell violently in love with Sarah Knox Taylor, the daughter of Col. Zachary Taylor, who was then a widower. While Colonel Taylor had no personal objection to Lieutenant Davis as a prospective son-in-law, he did object generally to his daughter marrying a soldier. Nevertheless, Jefferson Davis resigned from the Army in June 1835, and he and Sarah Knox Taylor were married 2 weeks later at the home of Colonel Taylor's sister in Kentucky.

Jefferson Davis was devoted to his charming young wife, who was just 21 years of age at the time of their marriage. Her death 2 months later in August 1835 was a cruel blow to his sensitive soul.

Jefferson Davis retired from the Army to engage in cotton planting on the Briarfield plantation, which had been given to him by his brother, Joseph Davis, and which plantation adjoined the larger Hurricane plantation operated by Joseph Davis.

I am familiar with the location of these plantations. They were situated in Warren County, Miss., on what is known as "Davis Bend" along the Mississippi River. They were magnificent properties before the War between the States. There were small levees to protect the alluvial lands from the overflows of the Father of Waters. The improvement of the Mississippi River, and especially the construction of levees on the opposite bank of the river, have increased the water heights on Davis Island and have practically destroyed the Davis plantations for agricultural purposes. The im-

provement of one part of any stream always results in damage to another part of the stream. The levee system along the lower Mississippi River has been of marvelous benefit to the lower Mississippi Valley, but the magnificent Davis plantations were destroyed by improvements that benefited others.

For 8 years following the death of his wife Jefferson Davis gave himself to cotton growing and to study in the seclusion of his plantation home. He was among the best informed men of his day; he was familiar with the classics and was a thorough student of history. He was a master of economics; he studied the rise and fall of governments and became thoroughly familiar with political and social problems.

In 1843 at the solicitation of friends, just before the election and to fill a vacancy on the ticket caused by the retirement of the nominee, he became a candidate for the Mississippi Legislature on the Democratic ticket. The question of repudiation of the so-called "Union and Planters bonds" was uppermost in the public mind. These bonds had been negotiated by Nicholas Biddle. The State of Mississippi had never received one cent of the proceeds of the bonds. Jefferson Davis openly opposed repudiation. He advocated an adjudication by the courts as to the legality of the bonds and as to the liability of the State. Robert J. Walker, formerly Secretary of the Treasury, and a former United States Senator from Mississippi, was the fiscal agent of the Federal Government during the war to England and probably to other countries, and to create sentiment against the South, including the State that had formerly honored him. Walker misrepresented the views of Jefferson Davis respecting the repudiation of Mississippi bonds, many of which were then held by English citizens. The truth is that Davis urged that the judicial determination of the courts be accepted as the verdict of the people.

During the legislative campaign Jefferson Davis and Sergeant S. Prentiss, one of the greatest of Mississippians and one of the most gifted of American orators, engaged in a joint discussion, and in what proved to be one of the most celebrated joint debates in the political history of Mississippi. Prentiss was not a candidate for the legislature, but he was the spokesman of the opposition party. While Davis was defeated yet the verdict was that he had been victorious in the debate. His effort won much praise throughout the State. The universal sentiment was that Prentiss, a most gifted and brilliant lawyer, had met in Davis a foeman worthy of his steel.

Jefferson Davis married Varina Howell, of Natchez, Miss., in 1845. She was the accomplished daughter of a southern planter and the granddaughter of Governor Howell, of New Jersey, who was the friend and associate of George Washington.

Davis was nominated and elected to Congress in 1845. Slavery was the great question confronting the people and he immediately took a conspicuous part in congressional debates.

He favored the annexation of Texas and approved the course of the United States in the War with Mexico. He resigned his seat in Congress in June 1846 to accept the command of the First Mississippi Regiment of Volunteers, known as the Mississippi Riflemen, to which he had been elected without solicitation, and shortly thereafter he joined his regiment in New Orleans. He was soon under the command of Gen. Zachary Taylor in whose campaigns he and his celebrated riflemen rendered gallant service at Monterey and Buena Vista.

After the war, he and the survivors of his regiment as they returned home by way of New Orleans were accorded a great ovation in that city. Sergeant S. Prentiss, who had removed to New Orleans for the practice of his profession and his opponent in his first political joint debate, delivered an eloquent oration in praise of Jefferson Davis and his regiment for their gallantry in action.

Upon returning to Mississippi from the War with Mexico in 1847 he was appointed by the Governor of the State, and subsequently elected by the legislature, to fill a vacancy in the United States Senate. Upon the completion of the unexpired term he was elected in 1851 for the full term of 6 years.

At the behest of his party in the gubernatorial campaign of 1851, some 6 weeks before the general election and after the Democratic candidate for delegate to a constitutional convention had been defeated by some 8,000 votes just a few weeks previously, he resigned his seat in the Senate in the fall of 1851 to become a candidate for Governor on the Democratic ticket. His opponent was his colleague in the United States Senate, Henry S. Foote. The gubernatorial campaign attracted national attention; they were both national characters. Davis was defeated by 990 votes; but in defeat he was really victorious, for he increased his reputation as one of the outstanding statesmen of his day.

He retired to his plantation at Briarfield, but campaigned the State of Mississippi in the Presidential campaign of 1852 in behalf of Franklin Pierce, upon whose election as President he was tendered a place in the Cabinet. At first he refused, but finally accepted the position of Secretary of War. Just before the expiration of his term he was again elected to the United States Senate. He resumed his seat in that body on March 4, 1857, and continued until his farewell message and resignation on January 21, 1861. Without being a candidate, and really over his protest, he was elected provisional President of the Southern Confederacy and subsequently elected President upon the permanent organization of the southern government.

No executive in a democracy ever faced a greater task or ever overcame greater obstacles. Without a seat of government and without army or navy he established the Southern Confederacy and created a nation that waged one of the greatest wars in history.

After the surrender of Robert E. Lee at Appomattox, where Robert E. Lee never appeared greater or grander, nor Ulysses S. Grant more chivalrous or magnanimous, and after the surrender of Gen. Joseph E. Johnston in North Carolina, Jefferson Davis, as he was making his way to join the Confederate troops west of the Mississippi River, was captured by Federal troops under the command of Colonel Pritchard, shortly after the assassination of Abraham Lincoln by John Wilkes Booth. In passing, it may be said that it has been frequently falsely stated that Jefferson Davis undertook to escape disguised in a woman's apparel. The fact is that he was aroused from his sleep, early in the morning, by the approach of the Federal troops. As he left his wife's tent before daylight she threw a shawl, which she thought was his raglan or topcoat, around his shoulders. A few minutes later the shawl was discarded when he refused to surrender although a bayonet was pointed at his breast. He was taken prisoner and confined at Fortress Monroe, Va., for 2 years. At the command of Gen. Nelson A. Miles, he was manacled and bound in chains while in prison. He was charged with complicity in the assassination of President Lincoln and with being a traitor. He had stated that the assassination of Lincoln was the worst blow that could come to the defeated South. He was as far above the thoughts of an assassin as the East is from the West. Instead of being a traitor he was a patriot of the Jackson and Jefferson type. He promptly demanded a trial, but his repeated demands were refused. He was finally released. Horace Greeley and others equally eminent in the North were sureties on his bond. He was never brought to trial. The indictment was finally dismissed.

Upon his release from prison he spent a year in Canada and a year in England and on the Continent. While in Paris a characteristic incident occurred. Emperor Napoleon invited him to call, sending a special messenger, but Jefferson Davis, believing that Napoleon had acted treacherously toward him in the course he pursued about France recognizing the Confederacy, said: "Tell your Majesty, with my compliments, that I am much obliged, but if he wants to see me he must call on me."

While abroad he was elected president of the Carolina Life Insurance Co. of Memphis, Tenn. This institution was doomed to failure as poverty was wide-spread in the devastated southland. For a time he was connected with the Mississippi Valley Co., which was an organization to promote commerce between South America and New Orleans. After returning to the United States from abroad, Jefferson Davis resided in Memphis until 1876, when he moved to Beauvoir, located in Harrison County, Miss., half way between New Orleans and Mobile. He devoted himself for the 4 years following his removal to Beauvoir to writing his defense of the people of the Confederacy, entitled "The Rise and Fall of the Confederate Government."

At the time of his death he had completed another book which was also published, entitled "A Short History of the Confederate States."

He spent his last years at Beauvoir on the Gulf of Mexico. He still owned Briarfield and he visited his plantation as the occasion required until his death.

Always of delicate health, with the tendency to neurotic indisposition and frequently indisposed, Jefferson Davis became ill while visiting Briarfield in November 1889. As he was returning to Beauvoir his illness became more violent. Upon his arrival at New Orleans he was carried to the residence of J. U. Payne, one of his intimate friends. In a few days, amid the universal sorrow of all of the people of the South, he died, on December 6, 1889.

The Governors of nine States were his pallbearers. Memorial services were held in every capital and in all of the principal cities of the South. A special memorial service was arranged by the Mississippi Legislature in January 1890. Hon. G. A. Wilson, a senator from Holmes County, Miss., and Hon. L. W. Magruder, a representative from Warren County, Miss., delivered tributes to his memory. Hon. J. A. P. Campbell, a former member of the Confederate Congress and chief justice of the Mississippi Supreme Court, delivered a memorable oration in commemoration of his life and character. The Legislature of Virginia also arranged a memorial service in January 1890. The oration was delivered by the late United States Senator John W. Daniel.

CHARACTER

Jefferson Davis was possessed of a magnetic personality. He was above the average in height, slender, and had blue eyes. His voice was pleasing and well modulated. He was a cultured, courteous, unselfish, and accomplished Christian gentleman.

He was well born. He had a happy childhood. He began life well; he was well trained; he inherited a good name from his father and unusual gifts of mind from his mother; he was a loyal and obedient son; he was a normal boy; he grew up in the country; he had no bad habits; he was not given to profanity or vulgarity; he did not sow any wild oats.

It is sometimes said that boys in their development must form bad habits and do evil deeds. I deny the statement. One might as well urge that roses will flourish amid thistles as to maintain that character can be developed by wrong thinking or by evil deeds.

In a memorable address delivered on June 3, 1908, at the University of Mississippi, Bishop Charles B. Galloway, of Mississippi, who knew Jefferson Davis and who differed with him in advocating prohibition, while Jefferson Davis stood for local option, in speaking of the boyhood of Jefferson Davis said:

"He had a clean boyhood, with no tendency to vice or immorality. That was the universal testimony of neighbors, teachers, and fellow students. He grew up a stranger to deceit and a lover of the truth. He formed no evil habits that he had to correct, and forged upon himself no chains that he had to break. His

nature was as transparent as the light that shone about him; his heart was as open as the soft skies that bent in benediction over his country home, and his temper as sweet and cheery as the limpid stream that made music in its flow through the neighboring fields and forests."

Duty was the guiding star in the life of Jefferson Davis. Robert E. Lee and Jefferson Davis were often together during the trying years of the War between the States. Davis loved children. He believed in boys. In an eulogy on Robert E. Lee, he related, as an example of devotion to duty not only by Lee but by his sons, the following incident:

While Gen. Robert E. Lee was away from Virginia on an assignment in another State during the early days of the war, Robert Lee, his young son, a mere lad, left school and came to Richmond to join the Army. Custis Lee, the older brother, was on the staff of Jefferson Davis. Robert Lee joined a battery. Gen. Robert E. Lee said that at the Battle of Sharpsburg this battery suffered so much that it had to be withdrawn for replacements and for other horses, but as he had no other troops even to form a reserve, as soon as the battery could be made useful it was ordered forward. General Lee said that as it passed him a boy mounted as a driver of one of the guns said: "Are you going to put us in again, General?" After replying to him in the affirmative, the general was struck by the voice of the boy and asked him, "Whose son are you?" "I am Robbie," whereupon his father said, "God bless you, my son, you must go in."

Jefferson Davis did not possess the vices of many otherwise great men. He did not have the vices of a Marlborough, but he had the character of an Emmett. While a Christian gentleman he had his faults. The saying is true—"The greater the man, the greater his faults." Jefferson Davis was not perfect; he was human. The sun has its spots but it gives us the light of day. He made mistakes, but he was true and he was noble.

He possessed unusual courage. He was a man of conviction. His firmness was frequently mistaken for obstinacy. He was of the mold of Cato; he was as immovable as the granite hills in the advocacy and defense of that which he believed to be right; he was the storm center of a great revolution; around his head, as President of the Confederacy, the waves of passion and prejudice beat and all of the fires of a fierce conflict raged and crackled, but Jefferson Davis always displayed the courtesy of a Lord Chesterfield and the gallantry of a Sir Philip Sydney.

Jefferson Davis was a sincere believer in the Christian faith. He did not drink to excess nor did he gamble. His diction was pure and noble; he never indulged in a vulgar story or used a word that could not be spoken in the presence of his wife or daughter.

Great men often fail in public life because they lack character. After all, integrity is the strongest of living forces. People demand untarnished honor, incorruptible honesty. They demand courage in their leaders. The failures of such leaders are nobler than the successes of demagogues.

Jefferson Davis was the soul of honor and of chivalry. He was kind; he was thoughtful; he was sympathetic.

When the capital was removed from Montgomery to Richmond, the people of Richmond offered him a palatial residence. He declined. Time and again he declined gifts of money and property. After the war when he was dependent on his own labors for the bread of his family, kind friends tendered him a purse. He refused very gracefully. He said, "Send it to the poor and suffering soldiers and their families."

He was falsely charged with appropriating Confederate gold. The truth is that the gold remaining in the Confederate treasury at the time of the surrender of Lee and capture of Davis was distributed to the soldiers. "The fact is," Jefferson Davis wrote to a friend, "I staked all of my property and reputation on the defense of State rights and constitutional liberty as I understand them."

In prosperity and in adversity, in success and in defeat, he always sustained himself with lofty courage, with great dignity and with unfaltering determination. Jefferson Davis never sold the truth to serve the hour, nor paltered with the eternal God for power.

Above all, Jefferson Davis stood for principles. He maintained his convictions. Stephen A. Douglas stood for expediency. Henry Clay, the great pacificator and the author of the Compromise of 1850, delayed the inevitable conflict between the States. Davis believed in meeting the issue whenever and wherever it arose.

When Clay on one occasion challenged him to future discussion, Davis promptly replied, "Now is the moment." Henry Clay, like Sergeant S. Prentiss, recognized in Jefferson Davis a foe worthy of his steel. There was an unusual tie between the two men. The son of Henry Clay had been slain in the Battle of Buena Vista. "My poor boy," said Henry Clay to Jefferson Davis, "usually occupied about one-half of his letters home in praising you"; and the eyes of Henry Clay filled with tears. When turning to him once in debate in the Senate, Henry Clay said: "My friend from Mississippi, and I trust he will permit me to call him my friend, for between us there is a tie, the nature of which we both understand."

Caleb Cushing, in introducing Jefferson Davis in Faneuil Hall, said: "He was eloquent among the most eloquent in debate, wise among the wisest in counsel, and brave among the bravest in battle."

Senator Joseph H. Reagan, of Texas, the postmaster general of the Confederate Government, said: "He was a man of great labor, of great learning, of great integrity, of great purity."

The eloquent Senator Benjamin H. Hill, of Georgia, said: "I declare to you that he was the most honest, the truest, gentlest, bravest, tenderest, manliest man I ever knew."

DUTY

Devotion to duty and to principle was the rule of his conduct. He always responded to the call of duty no matter how great the sacrifice. He resigned his seat in the Congress of the United States to share the hardships and dangers of the War with Mexico. At the call of his party and in response to that which he conceived to be his political duty, Jefferson Davis resigned his seat in the Senate of the United States at the very beginning of a 6-year term to lead a forlorn campaign, destined to defeat, as the Democratic candidate for Governor of Mississippi.

When he returned from Mexico the hero of Buena Vista, he was offered a commission as brigadier general of volunteers in the United States Army by President Polk. The commission was declined because it was his contention that such a commission could only be conferred by the State and not by the Federal Government.

He died disfranchised. He refused to apply for a pardon. He believed it to be his duty not to recant but to defend the principles for which the South had fought. He believed it to be his duty not to apply for a pardon as had Robert E. Lee, to whom a pardon was denied, for Jefferson Davis said his application for a pardon would stir up strife between the North and South.

SOLDIER

Jefferson Davis displayed courage on the frontier in the Black Hawk War. His gallantry at Monterey was commended by Gen. Zachary Taylor, known as "Old rough and ready."

Jefferson Davis and his Mississippi Riflemen saved the day at Buena Vista. Gen. Santa Anna with 20,000 trained lancers and troops attacked Gen. Zachary Taylor, with 5,000 soldiers. The "V" movement by Jefferson Davis turned defeat into victory. This formation was followed subsequently in European wars. It is accounted one of the most successful military operations in history. During the Battle of Buena Vista, Jefferson Davis was severely wounded. In the morning a bullet passed through his foot, but he remained in the saddle throughout the day. He refused to leave his men. He declined to retire from the field. He carried with him to his dying day the wound that he received at Buena Vista while in the service of the United States.

This battle made two Presidents. Zachary Taylor became President of the United States and Jefferson Davis, a faithful lieutenant, an honored son-in-law, a gallant colonel, became the President of the Southern Confederacy.

No braver soldiers ever fought than the Mississippi Riflemen at Buena Vista. No more daring or courageous leader ever led to victory than Jefferson Davis at Buena Vista. No greater courage, no more bravery or fortitude was displayed by the Spartan heroes at Thermopylae, the Tenth Legion of Julius Caesar, or the Old Guard of Napoleon.

Gen. Zachary Taylor remarked to Colonel Davis that he had completely forgiven his son-in-law. In his official report of the Battle of Buena Vista, he said: "Napoleon never had a marshal who behaved more superbly than did Colonel Davis today."

SENATOR

The first office held by Jefferson Davis was membership in the Congress of the United States. He was well prepared and thoroughly equipped. Moses was trained in the great universities of his day, but he spent 40 years in the wilderness in preparation to lead the people of Israel from bondage and captivity. Jefferson Davis had been trained in one of the leading colleges and in the chief military school of his country. He spent the 8 years following his retirement from the Army in studying the pressing problems of his Government.

John Quincy Adams had a habit of observing new Members in Congress. When Davis made his first speech in the House the ex-President was nearby. At the close of the speech the "old man eloquent" said to a friend: "That young man is no ordinary man. He will make his mark yet."

The service of Davis in the House was terminated by his joining the colors in the War with Mexico, but he subsequently really found himself in the Senate of the United States. He himself said he preferred service in the Senate to any other position. He was the ideal Senator. There were giants in those days. The great triumvirate was in the zenith of their power—Clay, Calhoun, and Webster were still at the climax of their glory.

William H. Prescott, historian and statesman, in speaking of Jefferson Davis as a Senator, said: "He was the most accomplished Member of that body."

The historian, Ridpath, said of him: "He was a statesman with clean hands and a pure heart, who served his people faithfully from budding manhood to old age without thought of self, to the best of his ability."

As Jefferson Davis said of Franklin Pierce, it may well be said of him: "If treachery had come near him, it would have stood abashed in the presence of his truthfulness, his manliness, and his confiding simplicity."

Another eminent historian has said: "It is but simple justice to say that in ripe scholarship, wide and accurate information on all subjects coming before the body, native ability, readiness as a debater, true honor, and stainless character, Jefferson Davis stood in the very first rank and did as much to influence legislation and leave his mark on the Senate and the country as any other who served in his day."

Jefferson Davis, by training and association, was an advocate of State rights. He believed that the States were supreme. He maintained they had entered into the Union voluntarily and that they had the right to leave the Union to preserve the sovereignty of the States. It was no new doctrine. For 40 years after the Constitution no prominent man in public life denied the right of secession.

Moreover, the first attempt to assert this right sprang up in the North long before it was heard in the South.

The Legislature of Massachusetts in 1809 declared the embargo law not legally binding on the citizens of the States.

Josiah Quincy, of Massachusetts, in speaking of the admission of Louisiana into the Union in 1811, said: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligations; and, as it will be the right of all, so it will be the duty of some definitely, to prepare for a separation, amicably if they can, violently if they must."

On December 15, 1814, the Hartford Convention protested against the War of 1812, then in progress between the United States and England, and it proclaimed: "It is not only the right but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure their own decisions."

Charles Francis Adams introduced in the Massachusetts Legislature in 1844 a resolution similar to Josiah Quincy's in 1811 and declared that Massachusetts was determined to submit to undelegated powers in no body of men on earth.

In 1851 Daniel Webster said:

"I have not hesitated to say, and I repeat, that if the Northern States refuse, willfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact. A bargain cannot be broken on one side and still bind the other side. I say to you, gentlemen in Virginia, as I said on the shores of Lake Erie and the city of Boston, as I may say again, that you of the South have as much right to receive your fugitive slaves as the North has to any of its rights and privileges of navigation and commerce."

Again, Charles Francis Adams, of Massachusetts, vindicates Jefferson Davis and other southern statesmen in this candid utterance:

"To which side did the weight of argument incline during the great debate which culminated in our Civil War? The answer necessarily turns on the abstract right of what we term a sovereign State to secede from the Union at such time and for such cause as may seem to that State proper and sufficient. The issue is settled—irrevocably and for all time decided—it was settled 40 years ago, and the settlement since reached has been the result not of reason based on historical evidence but of events and of force." And Mr. Adams further added: "The principles enunciated by South Carolina on the 20th of December 1860 were enunciated by the Kentucky resolution November 16, 1798."

Secession was not originated by Jefferson Davis. It was a well-recognized theory of government coequal with the foundation of the Government. The famous Kentucky and Virginia resolutions of 1798, the report of Mr. Madison to the Virginia Legislature in 1799, and the National Democratic Convention in Cincinnati in 1856 all recognized the right of secession.

Again, New York, Rhode Island, and Virginia, in ratifying the Constitution of the United States, expressly reserved the right to withdraw from the Union.

A correct understanding of the history and philosophy of State rights will lead to a better understanding among all of the people of the United States. The truth about secession may now be told. Secession originated at the North; the doctrine was proclaimed and in the North its exercise, I repeat, was first proposed.

Henry Cabot Lodge, in his *Life of Daniel Webster*, makes this statement:

"When the Constitution was adopted by the votes of the States at Philadelphia, and accepted by votes of States in popular conventions, it was safe to say there was not a man in the country, from Washington to Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right to peacefully withdraw—a right that was very likely to be exercised."

Jefferson Davis was a follower of John C. Calhoun. He lamented his passing. By universal acclaim he became his successor as the greatest exponent of State rights. He referred to Calhoun as "the Palinurus to steer the bark in safety over the perilous sea."

Slavery was not the cause, but it was an incident of the War between the States. In his first inaugural address Abraham Lincoln disclaimed any purpose to abolish slavery. Slavery, which had been recognized by the Constitution and by all of the States of the Union save one, was approved as an institution by Abraham Lincoln in his first inaugural address. The emancipation proclamation was issued as a war measure. It was without validity following the war. It was necessary, therefore, for an amendment to the Constitution to be adopted forever abolishing slavery. There should no longer be crimination and recrimination. There was not so much opposition in the North to slavery as long as it was profitable for the North to sell slaves to the South. It is now time to forgive and to forget.

It is time for the North and South to do justice to each other. Good will can only prevail when the North and the South accord to each other patriotism and sincerity of conviction with respect to the right of secession. If the North accords such views to the South, the people of the South will no longer apply that verse of Dryden: "But they ne'er pardon who have done the wrong."

While Jefferson Davis was an advocate of the right of secession, he opposed the doctrine of nullification. He disagreed with John C. Calhoun respecting nullification. He stood with Andrew Jackson, who had in mind nullification and not secession when he said: "The Union, it must be preserved."

South Carolina was not the only offender in advocating nullification. Charles Sumner, Wendell Phillips, and William H. Seward, in advocating disobedience to the fugitive slave laws and in urging violation and disregard of the Dred Scott decision, practiced nullification.

The Dred Scott decision was denounced by the people of the North—open violation of the law was advocated. The decision of the Supreme Court of the United States was disregarded. Chief Justice Taney of the Supreme Court of the United States, who had rendered the decision, was denounced and personally maligned. The fugitive slave laws were utterly disregarded in the North. William Lloyd Garrison denounced the Union, saying: "The Union is a lie. The American Union is an imposture, a covenant with death and an agreement with hell. We are for its overthrow. Up with the flag of disunion, that we may have a free and glorious republic of our own."

Horace Greeley said: "I have no doubt but that the free and the slave States ought to be separated. The Union is not worth supporting in connection with the South."

William H. Seward declared "there was a higher law than the Constitution" which would be the rule of their political conduct.

Again Seward asserted: "There is a higher law than the Constitution which regulates our authority over the domain. Slavery must be abolished and we must do it."

The farewell address of Jefferson Davis, the acknowledged leader of State rights, was one of the most impressive speeches ever made in the Senate of the United States. At a conference between the Governor and Members of Congress in Mississippi in the fall of 1860, Jefferson Davis was criticized for his temperate utterances respecting secession. He loved the Union; he had been wounded for his country; he urged secession only as a last resort; he advocated secession only as a last desperate measure. Mississippi had adopted the ordinance of secession; she had severed her connection with the Union. When Davis arose to speak for the last time in the United States Senate every Senator was in his seat and the Members of the House stood in every available place, and when he concluded, "Mr. President and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu", there was not a dry eye in the Senate.

SECRETARY OF WAR

Jefferson Davis became Secretary of War in the Cabinet of Franklin Pierce. They had both served in the War with Mexico. They had both been Members of Congress. They remained friends until their deaths. Ex-President Pierce visited Jefferson Davis while in prison at Fortress Monroe. Jefferson Davis was his guest in his New England home after his release from prison.

The Cabinet of President Pierce was a remarkable one. It is the only case in the history of the United States where all of the members of the Cabinet served throughout the administration, there being no deaths or resignations.

There were men of unusual ability in the Cabinet. William L. Marcy was Secretary of State, and Caleb Cushing, afterward nominated by President Grant for Chief Justice of the Supreme Court of the United States but not confirmed, was Attorney General.

The Senate and House wings of the Capitol were constructed under the administration of Secretary Davis. As a Member of the Senate, Jefferson Davis had advocated the enlargement of the building. As Secretary of War, he was given supervision of the construction of the Senate and House wings of the Capitol. The building was enlarged under his administration.

As a matter of national defense, while a Member of the Senate he had urged the construction of a railroad from the Mississippi River to the Pacific coast. Surveys were made while he was Secretary of War that resulted in the construction of the transcontinental railways during and following the War between the States. The surveys were made upon his recommendation.

Many reforms were introduced in the Army during his administration. Jefferson Davis had an opportunity as Secretary of War to test the mettle of the chief officers in the Army. Then as afterward Robert E. Lee was under his command, for while Davis was Secretary of War, Robert E. Lee was Superintendent of the West Point Military Academy. There is general consensus of opinion that Jefferson Davis greatly improved the Army and that he was one of the greatest Secretaries of War in the history of the United States.

PRESIDENT

Upon the organization of the seceding States Jefferson Davis became the first and only President of the Confederacy. The term of the president was 6 years. Under the Confederate Constitution, very similar to the Federal Constitution except as to the matter of slavery and State rights, the president was ineligible to succeed himself. Jefferson Davis had been appointed major general of the Mississippi troops. He preferred service in the field, but again he sacrificed his personal views and responded to the call of duty.

It is difficult to conceive of the task that confronted the President of the Confederacy. There was no capital; there was no army or navy; there was no gold or silver. It was necessary to create an army and to build a navy. It was necessary to manufacture munitions and to provide a currency.

As a practical soldier and experienced statesman, Jefferson Davis was peculiarly fitted for the presidency of the Southern Republic. As the leader of a lost cause it was inevitable that he should be criticized. During the war he was criticized for the conduct of the war. The failures were charged to him in the South. During

the war, in the North he was charged with the horrors of Andersonville. The undisputed fact, however, is that with 60,000 more Federal troops in prisons in the South than there were Confederates imprisoned in the North, 4,000 more Confederates than Federals died in prison. The same rations were issued to prisoners that were served to Confederate soldiers. Jefferson Davis urged Abraham Lincoln to exchange prisoners. He offered to buy medicines from the United States; he offered to deliver the sick and wounded without exchange. The record leaves no doubt as to the responsibility for refusal to exchange. General Grant assumed it, saying in a letter of August 8, 1864: "It is hard on our men in Southern prisons not to exchange them, but it is humanity to those left in the ranks to fight our battles."

In the South there was criticism. Jefferson Davis was held accountable for the failure to capture Washington after the First Battle of Manassas; he was held responsible for the surrender of Lee at Appomattox; he was charged with responsibility for the retreat from Gettysburg. Again, it is said that he showed favoritism; it is charged that he interfered with his generals; he was criticized as being exacting and quarreling with his military commanders, but there is a note of patriotism in his letter to Gen. Joseph E. Johnston: "Pray do not, if perchance wrong has been done you, make the matter of your rank in the army the cause of disaster to your country." If Joseph E. Johnston had thought more of his country and less of his rank as general, he might have defeated Grant before Vicksburg.

Davis was surely right in his advice that Pemberton and Johnston join forces before the siege of Vicksburg was made possible. He saw the broad significance of events. He was correct when he warned Bragg that he must not allow time to elapse, else he would lose the great opportunity of defeating Rosecrans. Jefferson Davis was right when he warned Robert E. Lee that Gen. U. S. Grant would attempt to cross the James, and if Robert E. Lee had not permitted Grant to cross the James River at City Point June 16, 1864, many historians say that Lee would have been victorious over Grant.

While criticizing, no one in the South ever questioned the integrity of Jefferson Davis or the purity or honesty of his motives. All conceded that the interests of the Southland were first in all of his plans and purposes. The people of the South had faith in Jefferson Davis in the dark hours of the Confederacy, just as the soldiers of the South had sublime faith in Stonewall Jackson and Robert E. Lee.

There were thousands upon thousands of southern soldiers who believed that the death of Stonewall Jackson alone prevented the success of the Confederacy. One who so believed expressed it:

"When Almighty God, in His inscrutable providence, decreed that the cause of the South must fail, he called unto Himself His servant, Stonewall Jackson, in order that His judgments upon the earth might be fulfilled."

If Napoleon is to be judged by his marshals, let Jefferson Davis be judged by his generals. Only a great President could have chosen Robert E. Lee, Albert Sidney Johnston, Stonewall Jackson, and J. E. B. Stuart as his great generals.

Jefferson Davis was a great President. Robert E. Lee, just before his death, said: "I know of no man who could have done better."

DEFENDER

After the War between the States, Jefferson Davis might have been United States Senator from Mississippi at any time for the asking; nevertheless, he chose to be true to the memory of the Confederacy. Every epithet applied to Jefferson Davis went straight to the heart of the people of the South. He was denied the right to vote, while his former slaves were permitted to use the ballot. He was reviled for the alleged transgressions of the people of the South while the policy of revenge prevailed following the assassination of Lincoln in the reconstruction of the South. He was wounded for the political sins of the South and he bore the alleged iniquities of secession and reconstruction. As the sacrifice on the altar of hatred and passion, Jefferson Davis, like Abraham Lincoln, became a martyr.

The evening of his life was spent in defending the cause of the Confederacy. During his last years he was in political retirement. While there were many calls for public appearances, nevertheless he devoted himself to the preparation of his books, to the writing of occasional articles for magazines, and to public addresses. He attended the memorial exercises in honor of Robert E. Lee at Richmond, Va., on November 3, 1870, and delivered an eloquent tribute to the memory of Robert E. Lee, who deserved but did not enjoy success.

He made the principal address at the dedication of a Confederate monument in Montgomery, Ala., in 1885. He visited other cities and other States. Wherever he went and wherever he appeared there was universal acclaim. It is said that there is no scene in history comparable to the applause that greeted Davis when he left the courtroom in the city of Richmond, as soon as the Government, a few years after the war, had dismissed its indictment, confessing its utter inability to prove any of the allegations of treason or assassination.

There is a fascination about the last days of a great and good man. There is always something strangely beautiful in the old age of good men. The last days of Jefferson Davis were spent in dignified retirement, in the association of friends, in the companionship of books, and in the preparation of a masterly exposition of the people whose leader he was. His book in their defense, to use his own language, was his last will and testament to those "who have glorified a fallen cause by the simple

manhood of their lives, with patient endurance of suffering and the heroism of faith."

Jefferson Davis was content to abide the judgment of history. Impartial history now accords to the people of the Confederacy that the cause for which they fought and in defense of which many shed their blood was right in the eyes of the Constitution of the fathers.

Jefferson Davis had no fear of the future. In the last published paper that came from his pen, speaking for himself and his countrymen, he calmly reiterated his unflinching faith in these words:

"We do not fear the verdict of posterity on the purity of our motives or the sincerity of our beliefs which our sacrifices and our careers sufficiently attest."

Joseph Warren who fell at Bunker Hill, denounced as a rebel by King George III, is regarded as a hero.

John Hampton, reviled as a rebel and filling a rebel's grave, is counted among the greatest of English patriots.

Oliver Cromwell established a republic. It was overthrown by the Stuarts. When the monarchy was restored his body was disinterred and gibbeted at Tyburn Hill. It required two and a half centuries for the English people to reach a just estimate of the Great Protector. An imposing statue today stands where his head was exposed to the jeers of the populace.

Jefferson Davis was a great constitutionalist. His political philosophy is best portrayed in his written and spoken words. The maxim "Speech is the mirror of the soul, and as a man speaks so is he" is as true as when it was written more than 1,900 years ago.

In speaking of the Union, in discussing the Oregon question, Jefferson Davis said: "The extent of our Union has never been to me the cause of apprehension. Its cohesion can only be destroyed by violation of the compact which cements it."

His political soul is thus revealed in his words. While justifying and defending the Confederate States, at the same time he urged the young men to be true to the Union. He concluded his masterly work *The Rise and Fall of the Confederate Government* in these words:

"In asserting the right of secession it has not been my wish to incite to its exercise. I recognize the fact that the war showed it to be impracticable, but this did not prove that it was wrong, and now, that it may not be again attempted, and the Union may promote the general welfare, it is needful that the truth, the whole truth, should be known, so that crimination and recrimination may forever cease, and then, on the basis of fraternity and faithful regard for the rights of the States, there may be written on the arch of the Union 'esto perpetua.'"

Jefferson Davis outlived the generals of the armies, both North and South. When General Grant was dying at Mount McGregor, the Boston Globe requested Jefferson Davis to prepare a criticism of Grant's military career. His letter declining is typical of the man:

"DEAR SIR: Your request in behalf of a Boston journalist for me to prepare a criticism of General Grant's military career cannot be complied with for the following reasons:

- "1. General Grant is dying.
- "2. Though he invaded our country, it was with an open hand, and as far as I know he abetted neither arson nor pillage, and has since the war, I believe, showed no malignity to Confederates either of the military or civil service.

"Therefore, instead of seeking to disturb the quiet of his closing hours, I would, if it were in my power, contribute to the peace of his mind and the comfort of his body.

"(Signed) JEFFERSON DAVIS."

Jefferson Davis was devoted to Mississippi and to Mississippians to the hour of his death. Each State is entitled to place statues in the Capitol to the memory of two illustrious sons. From the very first Mississippi was determined that the statue of Jefferson Davis should be placed in the National Capitol. Because of sectional feeling and sectional animosities the tribute was long delayed. Finally, after more than 65 years, Mississippi placed his statue in the Statuary Hall. With him there was placed the statue of James Z. George, a member of the regiment of Mississippi Riflemen commanded by Jefferson Davis in the Mexican War, a gallant soldier and officer of the Confederacy, thus serving under Jefferson Davis in two wars, a successful lawyer, a great judge, a distinguished Senator, and an outstanding, constructive statesman. The statues were unveiled with appropriate ceremonies on June 2, 1931.

One of the most historic occasions in the history of Mississippi is the last public appearance of Jefferson Davis before the legislature. He delivered on the occasion of his last appearance before the Mississippi Legislature in 1884 a classic oration, which he closed as follows:

"Reared on the soil of Mississippi, the ambition of my boyhood was to do something which would redound to the honor and welfare of the State. The weight of many years admonishes me that my day of actual services has passed, yet the desire remains undiminished to see the people of Mississippi prosperous and happy, and her fame not unlike the past, but gradually growing wider and brighter as the years roll away."

Prejudiced estimates are never accepted in the appellate court of human history. No man is ever permanently injured by misrepresentation. This statement is as true today as it was when the Man of Galilee was crucified.

The advocates of slavery and secession in the South and their opponents in the North were sincere. The peace, the good will, the progress, and the advancement of our reunited country can

best be promoted by according to all sincerity of convictions and principles.

The people of the South accepted the arbitrament of the sword in 1865. They fought for the Union in 1898 and in 1917. The American people now know that the issues of slavery and secession temporarily deferred from time to time could only be settled by war. The Union could only be saved by war. The sons of the South now join with the sons of the North in patriotic service for the defense of our common country against the foes of all of our institutions.

As we study the history of England and as we read the story of the War of the Roses we do not care whether the heroes fought with the victorious hosts of York or beneath the crimson banners of Lancaster.

I recount the marvelous career and the high character of Jefferson Davis as an influence to the young men of Mississippi and of the Nation to high and noble living.

"The lives of great men are the guide boards in the State."

I believe in monuments to our mighty dead. The memories that cluster around the graves and monuments of our honored dead oftentimes determine a people's character. The Scotchman's love for his native heath grows stronger when he visits the field of Bannockburn and recalls the scenes enacted there when Robert the Bruce planted his standard by the rough stone at his feet. Englishmen are made more courageous and patriotic as they perpetuate the memories of Trafalgar and Waterloo by monuments to Nelson and Wellington. Patriots will always be stirred by the eloquent and magnificent appeal of Demosthenes to the spirits of those who fell at Marathon.

Women will vie with men in patriotic sacrifice when they recall the Spartan mother, who with tearless eye bade goodby to her only son as she sent him to the field and pointed to his shield with the simple words, "This or upon it."

A grateful people have erected to the memory of Jefferson Davis, a shaft, a replica of the Washington Monument, 355 feet high, at Fairview, his birthplace in old Kentucky, the firstborn of the mother of States and statesmen.

However, Jefferson Davis, the faithful President and the great defender of the southern Confederacy, needs no monument or mausoleum to perpetuate his fame, for his services and his sacrifices have forever enshrined him in the hearts of his countrymen.

Over the Pantheon in Paris are these words in large letters:

"To great men, the grateful fatherland."

Of Jefferson Davis it can be said, "Whatever record leaps to light, he will never be ashamed."

The southern people fought for what they believed to be right and lost. With equal sincerity the northern people fought for what they believed to be right and triumphed. North and South fought for principles. In both Union and Confederate armies patriots died for country.

The lofty characters and the high achievements of the leaders, both political and military, in the North and in the South, in the War between the States, are the common legacy of our common country. A brave, reunited people will forever cherish that legacy. The soldiers of the War between the States, whether they wore the gray or whether they wore the blue, whether victor or vanquished, will live until the languages are dead and lips are dust.

Jefferson Davis was the commanding figure of the Confederacy and ranks high among the great men of history.

AMERICAN INDIANS UNDER AUTOCRATIC CONTROL

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of American Indians under autocratic control.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, in the limited time allotted to me here I may speak somewhat disconnectedly. The history of the Indian affairs of this country for the past 90 years contains many pages which do not reflect any particular credit upon my Government and your Government in the management of those affairs.

During the past 2½ years I have had the pleasure of serving a district where only a very few Indians live and I must confess that I was prepared to leave matters affecting their welfare or the solution of their problems to others until last year when the Wheeler-Howard bill was presented to this body for consideration.

I opposed the bill at that time. I had hoped that we would be given the opportunity to get down to fundamentals in our Indian system and that constructive remedies for an intolerable situation would be presented.

The title of the Wheeler-Howard bill was a misnomer. "Indian self-government", as incorporated in that bill was completely out of reach of the Indian. It had, as you will recall, an Indian court scheme. And, while the title of the bill was "Indian self-government", the Indian had no voice whatever in the selection of officials, such as judges, attorneys, and so forth, for these Indian courts.

It also conveyed the impression to the Indian that he would have a voice in the selection of the superintendents and other Indian Bureau officials. No greater fallacy was ever paraded before any people, civilized or uncivilized. The bill really took away from the Indian the right to even complain against an official of the Indian Bureau, except the official complained against be an actual resident of the community, reservation, or Indian group of which the complaining Indian was a part. And then, the Indian's complaint would reach no further than the Commissioner's secretary.

The bill had another very interesting and promising scheme. It revived lost arts of the tribes, scalping knives, tom-toms, tomahawks, and arrowheads, and provided for the teaching of Indian arts and crafts.

The real danger of this proposed legislation to the Indian was its isolating, segregating, and race-prejudice commitment. It at once arrayed the Indian who chose to follow it against his local courts and governments.

Evidence of the justice of the charge of many Indian tribes that Bureau methods of the past will be used to intimidate and force the Indians to approve the Wheeler-Howard bill passed at the last minute by the Seventy-third Congress, are being gathered in various sections of the country.

Word comes to my office from a number of tribes that the elections were not held by secret ballot upon 30 days' notice. I have word showing that Bureau employees in charge of the elections called on Indians on their reservation and openly threatened any who did not vote for the measure with loss of his property; that the officials, all hand picked, made these threats as they handed the Indians their ballots, and also marked many of the ballots just as they gave the ballots to the voters, insisting that they vote for the bill; that there was no attempt to have the ballots cast in secret, as in State elections.

Another reason why the Bureau is charged with unfairness is that under their interpretation of the provisions of the bill—section 18: It is not necessary for a majority of the Indians to vote for the bill to have it take effect. This is absolutely un-American, and the Indians have a right to protest. Other provisions of the bill require a majority vote of the adult members of the tribe, before they take effect, such as the right to organize for its common welfare. Further, the tribe cannot have a charter issued by the Secretary of the Interior until ratified by a majority vote of the adult Indians living on the reservation. Why does not Mr. Collier allow the Indians the same measure of protection from being practically forced to approve his bill? In other words, by the provisions of the act as he has interpreted it a minority can approve the bill, and Commissioner Collier has already sent out to the press of the Nation notice from the elections already held that "the Indians have voted by a large majority in favor of the Wheeler-Howard bill."

Little wonder that the Indian is baffled and completely confused by a complicated system which would puzzle a college professor. Everything is directed from Washington and complaints and requests run a long gantlet before finally reaching a remote and haughty administrative authority.

There are frequent changes of administrative heads. New rules and regulations are imposed. The procedure today may be reversed tomorrow.

An intensive study has convinced me that Congress has abdicated its functions and powers for many years to a bureau. The result has been just what a great writer on constitutional government said must always follow bureaucracy. "A bureaucracy," he said, "is sure to think that its duty is to augment official power, official business, or official members, rather than to leave free the energies of mankind." That is an exact statement of the attitude of the Indian Bureau, which is the embodiment of bureaucracy, a despotic, arbitrary domain which has been permitted to exist and to flourish in this land of the free.

Before the House Indian Affairs Committee on April 4, Commissioner Collier said:

The greater part of my own life, before I went into Indian work, was devoted to practically just one attempt . . . to bring

the rank and file of people into a condition so that we could have an intelligent American citizenship. My views are rather old-fashioned views.

Mr. Speaker, I would rather say that the Commissioner's views are more or less of a gewgaw and that the more efforts made by his Bureau to keep the Indians from becoming self-supporting, the more money it costs the United States.

Now, how has this gigantic Bureau, with its tremendous expenses, been built up? How has it been possible to not only perpetuate but to increase greatly the task definitely undertaken nearly 50 years ago, that of making competent self-supporting Americans out of some 300,000 assimilable American Indians?

It could be done in but one way—making the Indians incompetent and keeping them incompetent. The system depends upon branding the Indians as inferior and incapable of taking care of themselves.

Now, we have been hot-housing the Indians for a century, and there never was a normal Indian who could not have been made into a competent, self-supporting individual in the 21 years required to make a competent citizen of a child born to any American parents. But the average Indian is not self-supporting, and as long as the present system continues he cannot become self-supporting. There is no chance for his development. His chances to make money are in the hands of agents and officials who thrive upon a system which depends upon his being a nonsupporting, incompetent individual.

There was passed by Congress in 1924 a bill which gives the Indians of America full and complete rights of citizenship, the same as enjoyed by all other people. Instead of more Bureau regulations and stronger serfdom, which the Wheeler-Howard bill would give them, why not apply this citizenship right to the Indian race. No one can with intelligence fail to interpret this law to mean the equal personal rights for the Indian as enjoyed by all other races in this country. In plain language, therefore, it means that the Bureau should not attempt to exercise control over the person of the red man; he should have the right without interference as is practiced now, to organize and choose his own representatives, including his own attorney, and so forth.

Mr. Speaker, you may take any group of Americans you choose, segregate them on reservations, and put a bureau over their affairs; let that bureau take their money and spend it for them without informing them of the amount or the purpose; take the land on which they live and sell it or lease it without their consent; give them royalties from oil wells and mines, but no opportunity to work them themselves; educate them to believe that outside their narrow walls and barriers great perils lurk and certain ruin impends; require that every act, no matter how simple, must have the O. K. of an agent whose position depends upon the perpetuation of the system. Does any sane man deny that such a process can fail to breed a race of cringing creatures, unfit for responsibilities of any kind? Yet there is no more need for bureaucratic control of Indians than of any other of the nationalities that have been merged into American citizenship. Would any sane man argue that because of such treatment these segregated souls were forever incompetent and should never have a chance to meet life's responsibilities as men and women?

That is the story of Indian control. The very fact that the spirit of many thousands of Indians has not been broken and they still dare to stand for their rights is evidence that they are not an inferior but a superior race. They are worthy of freedom and a fair start and a square deal in the race of life in the midst of American civilization.

The "knockout" argument has been that if these first Americans are set free and given their own homes, they will immediately fall victims to the traps and pitfalls of unscrupulous white men, who are pictured as melodramatic villains going up and down seeking what poor Indian they may devour.

I have pointed out that their lack of business training rests upon the Bureau itself. But putting that aside, it is strange

doctrine in America that a law-abiding race must be disfranchised and kept in bondage in order that lawless citizens may be restrained from preying upon them.

It would be more just to put the Bureau on the task of dealing with crooks who menace the Indians rather than to permit it to longer submerge and dominate normal human beings who are capable of becoming splendid American citizens.

The real fear of the bureau is not that freedom to use their own lives and their own property would ruin the Indians but that it would ruin the Indian Bureau. That is why the Bureau is so vociferous in its declaration that the parental, kindly, patient guardianship of the Bureau is the only hope of the red man.

What can be done? Give the Indian simple justice. Emancipate him from the autocratic control of a money-wasting bureau. Take the crushing burdens of bureaucracy off his back and he will walk erect, an American.

The Indians should be declared citizens with the rights and duties of citizens. They should be encouraged to enter industrial pursuits and not compelled to reside on reservations which in the past have been reserved for barbarism.

The white man came to the land of our forefathers (now called America) to assure himself freedom of thought, of religion, and of self-government, and of equal opportunity in material prosperity. His rights to enjoy these liberties were denied him by his own neighbors in despotic Europe.

In the new land this white man was welcomed by the red man, and regardless of his abuse of the welcome given him, greed and intolerance crept in, and the Indian was pushed back, ever back, until today their rights and their property and hopes are in the selfish hands of the Bureau. No longer is the red man a free person—their liberties are stolen in a far more ruthless manner than that suffered by the white founders of this Republic. The Indian does not desire to take anything that does not belong to him—they have always respected the rights of others. But they do assert their birthright to freedom and a right to live on an equal basis with all other races.

No one Bureau official has the right to propose legislation affecting them. It is clear to every observer of the actual situation that the Indian Bureau will voluntarily relinquish its throttle hold on the Indians only when every dollar of their money is spent and their property has been dissipated. When the Indians have nothing left and Congress refuses to appropriate further funds, the Indian Bureau will decide that it is time to release control and for their gigantic organization to go out of business.

On the nickels coined in the United States mints is the portrayal of an American Indian, and just in front of his eyes is that great word of America, liberty.

It is high time that this Congress should undertake to announce the date when liberty will not be simply before the eyes of the Indians but in their secure possession.

ADDRESS ON NATIONAL AFFAIRS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by my colleague the gentleman from Massachusetts [Mr. HOLMES] before the Thule Lodge, Independent Order of Odd Fellows, Worcester, Mass., on May 24, last.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech on National Affairs, delivered by Hon. PERR G. HOLMES, of Massachusetts, on the occasion of the thirty-fifth anniversary of Thule Lodge, I. O. O. F., at Worcester, Mass., May 24, 1935:

It is both a privilege and a pleasure to meet with you here tonight and to participate in this thirty-fifth anniversary celebration of Thule Lodge in my home city of Worcester.

These are busy days in Washington and Members of Congress are overwhelmed with a continuous deluge of new-deal legislation, but I am always glad of an opportunity to come home to my friends and neighbors, and doubly glad when, as tonight, I

can renew my fraternal fellowship with my lodge brothers of the I. O. O. F. It is a welcome respite from the high pressure of the political atmosphere at the National Capital.

This opportunity to address you on national affairs is also welcome, for at no time since the founding of our Republic have national affairs assumed such paramount importance and carried such far-reaching consequences to every American citizen, both as respects their Government and as respects their individual lives and their individual liberties. At no time in the lives of any of us here tonight has there been such reason for discussion and understanding of what is transpiring in Washington.

Many of the undertakings upon which our Government is now embarking in the name of recovery and reform are cloaked in the language of Odd Fellowship. Indeed, the very essence of what our President proclaims as the new deal is not new, but is as old as our fraternity, as old as Christianity, and is the very principle upon which our order was founded in America more than 100 years ago—the principle of aiding those of our fellow men and women who were in distress and in adversity—the exemplification of the virtues of friendship and love and truth.

Such principles and virtues have universal appeal, and it is because so many of the new laws which are now being written, so many of the new governmental agencies now being created, so many of the new billions of dollars which are now pouring out of the National Treasury are proclaimed to be for the purpose of aiding those in distress and adversity—for the protection of the weak against the strong, for the purpose of enforcing truth and justice—that they have received such wide acceptance and acclaim.

Unfortunately for us all, however, their laudable purposes are not matched by the means employed for their attainment. In many cases they appear destined not only to defeat their own ends but to destroy our form of representative government, override the Constitution which has been the bulwark of our liberties, imperil our national solvency, and head us toward ruin and chaos rather than to Utopia.

I repeat that the principles for which our fraternity stands and the principles proclaimed by the "new dealers" in Washington are similar. But I submit that the similarity does not extend beyond the phrases of speech. The means and methods of the new deal and the independence, integrity, self-reliance, thrift, and the concepts of government of those who founded our order and of the millions of Americans who have been admitted to its membership are as far apart as the two poles.

James Monroe, of Virginia, was in the White House at Washington as President of the United States, and Henry Clay, of Kentucky, was Speaker of the House when a little group of men gathered in a tavern in Baltimore in the month of April, in the year 1819, and organized the first lodge of the Independent Order of Odd Fellows on American soil, and when in Boston, less than 12 months later, the second lodge was organized.

The founders of our Government, the framers of our Federal Constitution, and the men who sat in the White House and in Congress during the succeeding 150 years did not conceive that it was the function of government to regulate the lives of its citizens, to impose codes for their business, to fix their wages, to limit their profits, and to devise ways and means of redistributing wealth.

Neither the early American pioneers nor their descendants nor those who emigrated to the United States as the land of liberty and opportunity ever dreamed that the day would come when the Federal Government would limit planting, plow under growing crops, and impose compulsory slaughter of livestock as a means of ridding surpluses and raising prices.

Some of these features of the new deal are decidedly new. Many of the present-day experiments sponsored by the present occupant of the White House have been experienced in the past history of our country with unhappy consequences.

Thus, we had a United States bank, created by Congress and operated by the Government in the early days of the Republic. History records its utter failure.

The Government suspended specie payments, that is, refused redemption of paper money in gold during the Civil War. It was from necessity rather than choice, and in the years which followed the declared objective was to resume specie payments, to return to the gold standard at the earliest possible moment. We did so in 1879.

Some of us here tonight still have vivid recollections of the panic of 1893—of the depression of that period. We had then, as we have now, the clamor for the free and unlimited coinage of silver, for cheap money, for depreciation of the currency. That was the issue on which William Jennings Bryan sought the presidency in 1896 and was overwhelmingly beaten by McKinley, who had a sound money, gold-dollar platform.

Long before the new deal was ever invented we had the battle of the Government against monopolies, which brought the famous antitrust acts which under the new deal have been suspended.

We have had in the past the question of Government ownership of the railroads and of other public utilities, and we had a practical experience with Government operation of the railroads during the war—an experience which ended for the succeeding decade—all agitation for Government ownership.

It is not my purpose tonight to discuss in detail the new conception of Government and the various measures which Congress has enacted since March 4, 1933, or is now asked to enact under the claim of aiding recovery and in behalf of that mythical figure, the forgotten man, and for reform and for so-called "economic security."

I desire, however, to review the record briefly and to refer briefly to some of the principal milestones along the road which our Government is now traveling.

In seeking election to the Presidency, Mr. Roosevelt promised many things. He promised the repeal of prohibition, and that promise has been kept. He promised to maintain sound money, and that promise has been utterly disregarded.

He promised to reduce the expenses of Government by at least 25 percent. Instead, he has increased them 100 percent. He claimed to subscribe to the principle of a balanced Budget and insisted that the Government deficits which had put in an appearance following the 1929 crash, when income-tax revenues dwindled and governmental relief expenditures started, were imperiling national solvency.

You all now know Mr. Roosevelt's present position regarding a balanced Budget and Government spending and increases in the national debt. So long as expenditures are to aid recovery they need not be reckoned in the Budget. The larger the expenditures, the better. The addition of five, ten, fifteen, or twenty billions of dollars of debt is nothing to worry about, he says.

On the stump in 1932, candidate Roosevelt deplored the heavy burden of taxation and promised to lighten the burden. Instead, taxes have increased and multiplied. Urged to accept a manufacturers' excise (sales) tax as a means of raising revenues to balance the Budget, the then President-elect denounced such taxes as calculated to unduly burden industry and to increase the cost of the necessities of life.

Today the so-called "processing taxes" now levied on cotton and wheat and many other agricultural commodities and foodstuffs are at higher rates and a heavier burden than any sales tax or manufacturers' excise tax ever heretofore proposed.

Mr. Roosevelt promised to pay the war veterans their bonus in cash just as soon as the United States Treasury was able to sustain the outlay. At the present rate of new-deal spendings and the present rate of rising deficits and the present attitude respecting the bonus it looks as if it would be a long, long time before the President will voluntarily agree that the Government can afford to pay the bonus. Mr. Roosevelt likes to talk about first things first. With him the cashing of the bonus certificates is the last thing.

For myself, I am in favor of present payment of the bonus—not with printing-press money, as proposed in the Patman bill, but with the same kind of money as we propose to pay for hydro power plants in the Northwest and to pay for harnessing the tides of Passamaquoddy Bay at Eastport, Maine, and to omit, so far as the Federal Treasury is concerned, the hydro power plants and the Quoddy and the T. V. A., and leave such things to private capital and private enterprise.

I believe you would be interested to know the difference between the Patman and the Vinson bonus bills. As you probably know, the House overrode the President's veto on the Patman bill and the Senate sustained it.

The Patman bill provides for the immediate payment of the bonus, but that is fundamentally not the purpose of the bill. It actually seeks to change the monetary system of our country, and is being used as a vehicle by Representative PATMAN to start the presses on printing-press money.

We have had inflation. We are now having inflation. The processing tax has tended to increase prices and today the dollar, as a matter of fact, is worth less than 50 cents. To pay the bonus with printing-press money would depreciate the dollar more. The bonus would be of no value to the soldier. It would reduce the purchasing power of every other person and wage earner. It is a grave question whether the printing-press dollar would be accepted by business.

An untold inconvenience would be caused by a change in the monetary system. If we once started to change it, there would be nothing to stop Congress from passing legislation to pay the \$5,000,000,000 works-relief bill with printing-press dollars. We would be issuing more printing-press dollars to pay the blank check we gave the President earlier this session.

I don't believe the bonus is dead. In my opinion, the Vinson bill will be attached as a rider to some other piece of legislation. I would vote to support the Vinson bill. My reason is that the billions of dollars which would be appropriated would be raised through regular channels provided by the Constitution and could not be used promiscuously to pay political debts. Every soldier would get his bonus.

With the money allocated to the States on the basis of the number of men who served and their length of service, the 14,000 veterans of Worcester alone would receive \$7,000,000. If we get \$1,500,000 under the works-relief program, Worcester will get its share, or what the Government will condescend to call Worcester's share. The Vinson bill will do more good than the total amount to be spent under the \$4,880,000,000 work-relief program.

When the President read his inaugural address to the multitude on the Capitol plaza the banks throughout the land were closed. It was thanks to the aid lent to the banks by the Reconstruction Finance Corporation—the agency set up by Congress at the request of President Hoover—that the bank holiday had been staved off for many months.

The new Congress, which convened in emergency session immediately following Mr. Roosevelt's inauguration, was called upon to give President Roosevelt broad emergency fiscal power and to enact a bank-deposit guarantee law.

All solvent banks were promptly reopened. The liquidation of insolvent banks was pushed as rapidly as circumstances would

permit, and again, thanks to the R. F. C., depositors in closed banks recovered in cash at once the full worth of the frozen assets.

Congress, at the President's request, enacted the so-called "Economy Act" which cut salaries and pensions and which was to help balance the Budget and help to reduce Government expenses. Subsequent new-deal policies made such a mockery of the economies provided for in the Economy Act at the expense of the war veterans and low-salaried civil-service Government employees that these pay cuts have since, for the most part, been restored and the Economy Act has become a dead letter.

Congress created the Home Loan Bank Board and its subsidiary, the Home Owners' Loan Corporation, to aid home owners in averting mortgage foreclosure. Congress, continuing to O. K. the President's requests for emergency measures, passed the National Industrial Recovery Act, which hatched the Blue Eagle, and which also provided the first \$3,000,000,000 for public works. An agricultural act was also enacted, which spawned the A. A. A., the processing taxes, and all sorts of devices claimed to aid the farmer. The Tennessee Valley Act was still another product of that first-aid emergency session of the first new-deal Congress.

Virtually everything except the T. V. A. was claimed to be temporary and emergency and experimental. Much of it was of doubtful constitutionality and of dubious practicability. But no one was then disposed to raise legal quibbles. Almost everyone was disposed to give the new administration a chance to make good on its promises to end unemployment and restore prosperity.

You will all recall the President's seemingly frank and straightforward declaration that "what we are now undertaking is in the nature of a series of experiments, and if any or all of them fail to work, I will be the first to tell you so and to abandon them."

Much of the present criticism of the present administration and much of the growing distrust of Mr. Roosevelt's policies roots in the growing conviction that many of these new-deal experiments have failed, many more are on the way to failure, but that the President refuses to concede or admit failure and tenaciously insists on their continuance.

The N. R. A. is the most conspicuous example. The right of the Federal Government to regulate and regiment local business is under challenge in the courts from coast to coast. Code enforcement has broken down. The N. R. A. as an administrative agency of the Government is virtually paralyzed.

N. R. A. policies with respect to price maintenance and production control are under fire. Labor difficulties have multiplied. The burden of added costs upon business and industry has proved in many cases unbearable. No clear-cut national policy, no clear-cut line of division between business and industry to which a national policy is to be applied and that which is to be exempted has been drawn. Who can say, except the courts, when the operations of a particular business establishment "affect interstate commerce" and when they do not?

It is confusion worse confounded. The much-vaunted partnership between business and industry and the Federal Government has proved to be a colossal and tragic farce.

Two years ago, after the enactment of the N. R. A. legislation, I came home to Worcester. Knowing the problems of Worcester industry, I made the statement that the N. R. A. offered one of the greatest mediums of opportunity for industry that has been created. But I qualified it by saying that our biggest difficulty would not be with the law but with the administration of the law.

While the N. R. A. has resulted in injury and oppression in many branches of industry, it has been of tremendous value to other branches because of proper code administration. I believe it would be a calamity at the present time to eliminate it from the picture entirely, at least until we can again put into force the Sherman antitrust laws.

The President refuses publicly to face the realities of the N. R. A. situation and demands that Congress give a temporary 2-year further lease of life to the N. R. A., pending permanent legislation for permanent Government regulation of private business.

The situation with respect to the administration's agricultural policies is similarly chaotic, with conflicting policies, with serious questions of constitutionality, with crucifying processing taxes and discount. Yet it is demanded that Congress amend the present law by giving the triple A still larger authority.

The record of the Public Works Administration is not one of which to be proud. There has been the usual ballyhoo which surrounds every new-deal enterprise. A prodigious sum of money has been expended and much more committed or promised—all for the purpose of providing jobs and ending unemployment. Yet the unemployment figures, the record of Federal unemployment relief payments, fail to reflect any substantial improvement.

The new \$4,000,000,000 work-relief program, which is to supersede the old P. W. A. on the one hand and to end the dole on the other hand, is just now starting.

Time does not permit my attempting to deal with this subject here tonight. Merely to enumerate all of the new alphabetical agencies which have been set up to operate the new works program and their assigned overlapping functions and the definitions of the policies to be pursued in the approval of projects and the complicated pay schedule, which has been the subject of a separate six-page Presidential Executive order, would take an hour. But time will tell how much redtape will have to be untangled, how many works schemes will be actually launched, how many more billions of dollars Congress will be called upon to authorize in order to complete half-completed projects, and, above all, how many jobs will actually be provided for men and women now on the relief rolls.

The legislative program of which the President demands enactment by Congress at the present session contains very much more than simply to give him the blank check for another \$4,880,000,000, to extend the N. R. A. and to amend the A. A. A. and to extend the R. F. C. and to give more billions to the H. O. L. C. and to amend and extend the T. V. A.

Mr. Roosevelt demands the enactment of a new banking law, which, to all intents and purposes, puts the Federal Reserve Banking System in the hands of the Government, just as effectively and as completely as if the Government owned the banks outright. It is a tremendous extension of the power of the Government over private banking, for which there is neither need nor justification.

The President demands the enactment of a bill to abolish public-utility holding companies and to invest in the Federal Power Commission far-reaching bureaucratic control over utility operating companies.

I have had occasion to become very intimately acquainted with this so-called "utility holding-company bill", because it has been one of the measures with which the House Committee on Interstate and Foreign Commerce, of which I am a member, has had to deal, and the bill has been the subject of hearings before our committee extending over many weeks, and is at present in process of revision by the committee preparatory to reporting it to the House.

This measure offers a striking example of the complexities and perplexities of legislation under the new deal, which Congress is asked to speedily enact, and, so far as the House is concerned, under gag rule which limits debate and precludes amendment except such as are approved by administration leaders.

As already stated, the popular tag for this measure, "the public-utility holding-company bill", is a misnomer, and quite misleading and deceptive. The bill is in three parts, and it is only the first part which deals with utility holding companies and undertakes not to regulate them, but to require their dissolution. The second part of the bill makes so many amendments to the Federal Water Power Act as to amount to a rewriting of the present law, as well as providing for Federal regulation of electric-utility operating companies through the Federal Power Commission.

The third part undertakes Federal regulation of gas utilities and gas pipe lines via the Federal Trade Commission.

The bill, as presented to our committee with Presidential endorsement and White House orders to railroad through, comprises 178 pages of text, with many long and complex provisions, every one of which raises innumerable questions of public policy, of governmental authority, and of constitutional power.

Accompanying the bill was a report and recommendations and conclusions of a learned, professional engineer who was directed at the last session to make an investigation of public-utility holding companies. This report is in six volumes, aggregating more than 3,000 pages of closely printed type.

The present series of hearings on this bill before our committee were stenographically reported and have been printed and are now on our desks, and fill two thick volumes of 2,320 pages. Scores of different and separate analyses, briefs, digests, and arguments have been submitted as exhibits by various proponents and opponents.

If the members of our own committee undertook to read and digest all of these reports and all of the testimony, as well as to study and argue every line of this bill, it would be a labor of months, to the exclusion of all other demands on our time.

How many Members of the House, outside our committee, will read this bill in its entirety or do more than hurriedly scan the report which our committee will finally make when we send the bill to the House? Obviously, there will be very few, for this bill, long and important as it is, is but one of dozens, and a Member of Congress has manifold duties and claims upon his time in addition to his legislative duties.

I am unqualifiedly opposed to this bill in its present form. I see no valid reason or excuse for attempting by act of Congress to outlaw all of the public utility holding companies—good, bad, and indifferent—except to gratify the peculiarly vindictive hostility of the present administration to the utility industry.

Similarly, I see no valid reason or excuse for attempting to take out of the hands of State utility commissions the regulation of utility-operating companies and to transfer such regulation to Washington, except the greed and zeal of the present administration for power and authority over every kind of private business.

As matters now stand, and if Congress gives the President his way in this matter, the entire utility industry is to be crucified and the millions of individual investors are to be ravaged in retaliation for the misconduct and rascality of some utility operators and utility financiers, and under the specious claim that a benevolent government is undertaking to safeguard its citizens from future exploitation.

Life insurance companies alone have at present \$1,800,000,000 invested in public utilities. The mutual savings banks, which have 13,000,000 depositors and more than \$10,000,000,000 on deposit, have much of their surpluses in utilities. Our own Legislature of Massachusetts has given the savings banks the right to invest 20 percent of their deposits in utilities.

From this we can realize the tremendous damage that would be done to the investors in these utilities companies. Back of all this is the desire for power to destroy this huge industry which has more than \$14,000,000,000 in invested capital.

So much for the utility bill.

Then we have the economic security bill, so-called, which undertakes to set up a complicated, costly, and bureaucratic system of old-age pensions and unemployment insurance and other social benefits. There are pay-roll taxes, calculated to take either from the employees' envelopes or from the employers' bank accounts, or both, many billions of dollars over a span of years, to be turned into the Government's Treasury as an insurance and pension fund. The States are to be required to set up individual systems, but the Federal Government will supervise the whole business.

Carried to its ultimate conclusion, the Federal Government will control the banks, the insurance companies, the railroads, the radio, and the utilities. The Federal Government will be in the electric-power business on its own account on a large scale. Every region of the country will have its own Federal valley authority.

The men and women directly on the Federal pay roll to administer, to direct, to supervise, to collect will be trebled and quadrupled. Treasury checks will go out weekly and monthly to the Army and Navy and the Civilian Conservation Corps and the veterans of all wars, their widows and dependents, for provisions and benefits; to the farmers for bounties and bonuses; to the merchant marine and the air transport; to the aged in pensions; to the unemployed industrial worker in insurance benefits; to those who for one reason or another are permanently on relief because unemployable.

No wonder we have withdrawn gold from circulation and gone on an irredeemable paper-money basis, devaluated the gold dollar by 40 percent, set up a \$2,000,000,000 stabilization fund to manipulate foreign exchange and to peg the price of Government securities, and have begun to toy with silver. For all these new-deal schemes entail financial outlays so stupendous in their aggregate as to defy comprehension. Actually, in the present state of affairs, the amount of money involved in the payment of the bonus seems by comparison just a drop in the bucket.

We hear many fine phrases about helping the forgotten man and about the elevation of human rights above property rights, about equality of opportunity, and about economic security. But I submit that the present course of our Federal Government strikes at the very foundation of the American creed of life, liberty, and the pursuit of happiness.

If the present course is followed to its conclusion, we will substitute for representative government a dictatorial bureaucracy regulating our every-day lives, however humble, manipulating prices and money, and accumulating a total debt so large as to finally end in national bankruptcy and repudiation and confiscation.

It is not a pleasant prospect.

My hope is that our course may be halted and our steps retraced before it is too late. But I am afraid it will not be done by the present administration.

The million Americans who today wear an Odd Fellows emblem and the 700,000 fine American women who are members of our auxiliary order are second to none in their recognition of the obligation of man to help and assist his fellow man in distress—the obligation of the strong to help the weak. But they have not heretofore subscribed to the notion that the way to live up to this obligation was to empower the President of the United States and his advisers to reconstruct society and regulate and regiment both our lives and our undertakings and our property and to submit ourselves to his direction. I do not believe we want to do so now.

My enumeration of some of the bills on the administration's legislative program for the present Congress has by no means listed them all.

We have the question of railroad legislation and of a new and super-transportation commission to go hand in hand with the new Securities Commission, the new Communications Commission, and all the others. And we have yet before us the renewal of the special excise taxes, which expire by statutory limitation at the end of June.

We have work enough to keep Congress fully occupied for months to come. But if the President has his way, Congress will "step on the gas" and rush everything through in a few weeks without opportunity for proper consideration.

If I had my way, Congress would put most of these pending proposals into cold storage and adjourn, and we would all get behind the new works program and try to make it work.

Again let me thank you for this opportunity to be with you tonight and to voice my sentiments regarding national affairs. I cannot bring you any message of good cheer about the present state of affairs in Washington, but I voice not only the hope but the belief that in spite of present failure, present risks, and present socialistic policies, our Nation will escape disaster, thanks to the inborn courage and capacity and common sense of the majority of our citizens; and this goes double for every member of Thule Lodge.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may sit this afternoon until 2:30 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

QUARTERS FOR GOVERNMENT SERVICE, EL PASO, TEX.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7235) to make provisions for suitable quarters for certain Government services at El Paso, Tex., and for other purposes.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the bill?

Mr. THOMASON. The last Congress passed a bill providing for certain quarters for different Government agencies in the city of El Paso. The persons who were to erect the proposed building were unable to meet the conditions. Other citizens of El Paso now propose to erect the desired building on other land in order to house certain Government agencies.

The pending bill only amends the act passed by the last Congress covering the description of the property and provides some protection for the lessor. It has the unanimous approval of the House Committee on Public Buildings and Grounds, likewise the approval of the Secretary of the Treasury, the Secretary of Labor, and the Attorney General.

Mr. HOLMES. With the permission of the Chair, I may say to my colleague that there is a unanimous report on the bill from our committee.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.—

That when the owners of the tract of land situated in the city and county of El Paso and State of Texas, more fully described as follows, to wit—

Beginning at a point on the east line of South Santa Fe Street, which point is the intersection of the west line of block 21 of the Campbell Addition to the city of El Paso and the southerly line of the present levee now occupied as a right-of-way of the Rio Grande & El Paso Railroad; and which point of intersection is 66.82 feet northerly from the southwest corner of said block 21, the beginning point of this tract; thence southerly along the west line of said block 21, and the east line of South Santa Fe Street at 66.82 feet past the southwest corner of said block 21 and at 136.82 feet past the northwest corner of block 17 of the Campbell Addition and at 188.82 feet past the southwest corner of this tract; thence easterly at right angles to the center of an alley 130 feet; thence northerly and parallel with the east line of South Santa Fe Street 124 feet, more or less, to the south line of the above-mentioned levee; thence in a northerly direction along the south line of said levee 135 feet, more or less, to the place of beginning; being part of lots 18, 19, and 20 in block 21 of the Campbell Addition, and that part of Eleventh Street between blocks 21 and 17, having a width of 70 feet by 130 feet, and all of lots 11 and 12 in block 17 above referred to and the west half of the alley adjoining the lots herein mentioned. The property herein described has a frontage of 188.82 feet on South Santa Fe Street, a width of 130 feet on the south side, has approximately 124 feet on the east side, and on the north side 135 feet.

(hereafter called the "owners"), have agreed to erect upon such premises, or upon an equivalent area which has been approved by the Secretary of the Treasury, a building of such design, plan, and specifications as may be approved by the Secretary of the Treasury as suitable for the use of the Bureau of Immigration, the Bureau of Customs, the United States Public Health Service, and the Bureau of Plant Quarantine; the Secretary of the Treasury is authorized and directed to negotiate, and, subject to an appropriation therefor, lease such building and such premises from the owners for a term of 25 years after such building is ready for occupancy at a fair annual rental, subject to the limitations of section 322 of part II of the Legislative Appropriation Act for the fiscal year ending June 30, 1933, approved June 30, 1932. Such lease shall contain a provision for a cancellation of the lease in the event that the lots on which the building is to be constructed are determined, judicially or by agreement, to be lands subject to the jurisdiction of the United States of Mexico.

Sec. 2. There is authorized to be appropriated such amounts as may be necessary to pay the installments of rent provided for in such lease.

With the following committee amendments:

Page 1, immediately following the enacting clause insert the following: "That the Act entitled 'An act to amend the act to make provision for suitable quarters for certain Government services at El Paso, Tex., and for other purposes, approved June 19, 1934', is amended to read as follows: "

Page 4, line 1, after the word "Mexico", insert the following: "In the event that such lands are so determined to be lands subject to the jurisdiction of the United States of Mexico and that as a result of such determination the owners or their assignees lose their title thereto and the lease is canceled, the United States shall pay to the owners or their assignees the fair value of the building at the completion of its construction (but not in excess of the

actual cost of construction), less an amount equal to one-third of 1 percent of such cost or value for each month that the lease was in effect prior to such determination."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill to amend the act entitled 'An act to make provision for suitable quarters for certain Government services at El Paso, Tex., and for other purposes.'"

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. STEWART. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. STEWART. Mr. Speaker, with kindness in my heart toward my good Democratic friends, I appear before you as a courier of good news, with a message from the small, but most important, State of Delaware.

Last Saturday in Wilmington, Del., the first city of the first State, there was held an election. The Democratic National Party saw fit in its wisdom to recognize the importance of this election by sending a distinguished and most honorable gentleman from the great State of Oklahoma to make an address. It seems to me of equal importance to announce to Congress and the Nation the results of this election. In one of the most crushing defeats ever administered to a party in the history of Delaware politics the Democratic Party in the city of Wilmington was shorn of practically all of its power.

The Republicans of the State are indeed grateful and very appreciative of the action of this most illustrious son of Oklahoma in making possible this splendid victory for them.

May the Republican State of Delaware live long and prosper. [Applause.]

KENNESAW MOUNTAIN NATIONAL MEMORIAL MILITARY PARK

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 59, entitled, "An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia", and for other purposes, with Senate amendments, disagree to the Senate amendments, ask for a conference, and appoint conferees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. McSWAIN, HILL of Alabama, and RANSLEY.

ADDITIONAL CADETS AT UNITED STATES MILITARY ACADEMY

Mr. McSWAIN. Mr. Speaker, I move that Senate Concurrent Resolution 16 be referred to the Committee on Military Affairs.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States, respectively, in signing the enrolled bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes, be, and the same is hereby, rescinded; and that the House of Representatives be, and it is hereby, requested to return to the Senate the message announcing its agreement to the amendments of the House to the said bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the reason for this resolution?

Mr. McSWAIN. It appears that the Senate bill which passed the House with certain amendments, after it had been enrolled and signed by both the Vice President and the Speaker, for some reason that I know of only by what I have seen in the newspapers, was not entirely acceptable to the Chief Executive.

Mr. MARTIN of Massachusetts. The gentleman expects it will be corrected and reported back again?

Mr. McSWAIN. I expect it will be corrected and that the Members will have their additional cadetships.

The SPEAKER. The question is on the motion of the gentleman from South Carolina?

The resolution was concurred in.

A motion to reconsider was laid on the table.

DISTRICT JUDGESHIP, MASSACHUSETTS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SUMNERS of Texas, GREGORY, and PERKINS.

PROTECTION OF ESTATES OF VETERANS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3979) to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Reserving the right to object, will the gentleman explain the bill?

Mr. RANKIN. I may say to the gentleman from Massachusetts [Mr. MARTIN] that this is a measure that was reported from the Veterans' Committee early in the session by a unanimous report. It does not cost anything, and it is a bill to safeguard the estates of insane veterans who are incarcerated in various veterans' institutions.

Mr. MARTIN of Massachusetts. Is this legislation which resulted from an investigation made last year?

Mr. RANKIN. Yes.

Mr. JENKINS of Ohio. What does it do, and how does it safeguard their interests?

Mr. RANKIN. Mr. Speaker, we found during the last session that there was a great deal of furor raised about the fact that they found in some of these veterans' institutions, particularly the old soldier homes that had been taken over in some localities, there had grown up the practice of appointing guardians who would take these funds and invest them in bonds, stocks, and so forth. As a result of some of their loose practices a great deal of the boys' money was lost. This bill was brought in here as a result. A resolution was introduced at the last session of Congress asking that the Chairman of the Veterans' Committee either investigate the matter with the whole committee or else appoint a subcommittee. I appointed a subcommittee, and this subcommittee went to various places and made an investigation, came back and made a rather elaborate report in which they recommended the changes as provided in this bill, which is nothing in the world except a measure to throw around the veterans the safeguards which I think every American would want thrown around the estates of insane veterans.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. After the subcommittee reported to the whole committee, was there a unanimous report made by the whole committee?

Mr. RANKIN. Yes. The gentleman from Vermont [Mr. PLUMLEY] was a member of the subcommittee. If there is any doubt about this matter, I shall be glad to have the bill read in full and answer any questions. I think it is a very salutary proposition, and a very necessary one for the protection of these veterans who are unable to protect themselves.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RANKIN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. This bill will result in saving some money to the Government and will also result in some of the money reverting back to the Government?

Mr. RANKIN. The gentlewoman is right; and it does not add any extra expense.

Mr. LORD. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from New York.

Mr. LORD. How about the dependents? For instance, I have a case where there is involved a dependent child of an insane veteran. The estate is accumulating. May I ask if that could be used under this amendment?

Mr. RANKIN. The gentleman from Texas [Mr. PATMAN] is present. He was chairman of the subcommittee that made the investigation, and I will ask him to answer the question.

Mr. PATMAN. I did not get the question.

Mr. LORD. I have one case in mind where there is an insane veteran who probably never will recover. He has a small daughter who needs to be taken care of. Now, can that money be used for the care of the daughter? Will this bill affect that in any way?

Mr. PATMAN. That question is not involved in this bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 21 of the World War Veterans' Act, 1924, as amended (U. S. C., Supp. VII, title 38, sec. 450), is hereby amended to read as follows:

"Sec. 21. (1) Where any payment of compensation, pension, emergency officers' retirement pay, or insurance under any act administered by the Veterans' Administration is to be made to a minor, other than a person in the military or naval forces of the United States or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where in the opinion of the Administrator any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the Administrator is hereby authorized to refuse to make future payments in such cases as he may deem proper: *Provided further*, That prior to receipt of notice by the Veterans' Administration that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

"(2) Whenever it appears that any guardian, curator, conservator, or other person, in the opinion of the Administrator, is not properly executing or has not properly executed the duties of his trust or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are inequitable or in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the Administrator is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary, or in any court having original, concurrent, or appellate jurisdiction over said cause, and make proper presentation of such matters: *Provided*, That the Administrator, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the Administrator from time to time showing the application of such payments for the benefit of such incompetent or minor beneficiary, or who shall neglect or refuse to administer the estate according to law: *Provided further*, That the Administrator is hereby authorized and empowered to appear or intervene by his duly authorized attorney in any court as an interested party in any litigation instituted by himself or otherwise, directly affecting money paid to such fiduciary under this section.

"Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, or in connection with any other court proceeding hereby authorized, when such payment is authorized by the Administrator.

"(3) All or any part of the compensation, pension, emergency officers' retirement pay, or insurance the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary, to accumulate at such rate of interest as the Secretary of the Treasury may determine but at a rate never less than 2 percent per annum, except that in those cases where a veteran with no dependents has been found insane by the Administrator and is being maintained by the United States or any political subdivision thereof, in an institution, no interest will be paid. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or, if a minor, attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law: *Provided*, That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further*, That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from compensation, automatic or term insurance, emergency officers' retirement pay, or pension, payable under said acts, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the current appropriations provided for payment of compensation, insurance, or pension."

SEC. 2. Whoever, being a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, or any other person having charge and custody in a fiduciary capacity of money paid under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the Emergency Officers' Retirement Act, as amended, the World War Adjusted Compensation Act, as amended, the pension laws in effect prior to March 20, 1933, Public Law No. 2, Seventy-third Congress, as amended, or under any act or acts amendatory thereto, for the benefit of any minor, incompetent, or other beneficiary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into his control in any manner whatever in the execution of his trust, or under color of his office or service as such fiduciary, shall be fined not exceeding \$2,000 or imprisoned for a term not exceeding 5 years, or both. Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law, shall be taken to be sufficient evidence, prima facie, of such embezzlement or misappropriation. Section 505 of the World War Veterans' Act, 1924, section 16 of Public Law No. 2, Seventy-third Congress, and section 4783 of the Revised Statutes are hereby repealed; but any offense committed, or any action begun thereunder, may be prosecuted and punishment may be inflicted in accordance with the terms thereof notwithstanding the repeal of said sections.

SEC. 3. Payments of benefits due or to become due shall not be assignable, and such payments made to, or on account of, a beneficiary under any of the laws relating to veterans shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. Such provisions shall not attach to claims of the United States arising under such laws nor shall the exemption herein contained as to taxation extend to any property purchased in part or wholly out of such payments. Section 4747 of the Revised Statutes and section 22 of the World War Veterans' Act, 1924, are hereby repealed, and all other acts inconsistent herewith are hereby modified accordingly. The provisions of this section shall not be construed to prohibit the assignment by any person, to whom converted insurance shall be payable under title III of the World War Veterans' Act, 1924, of his interest in such insurance to any other member of the permitted class of beneficiaries.

SEC. 4. If any provision, sentence, or clause of this act or the application thereof to any person or circumstances, is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMORIAL DAY ADDRESSES

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to extend my remarks, and to include therein addresses which I made before the Legion post at Fredericksburg and Luray the latter part of last week.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HAMLIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Memorial Day addresses made by me at Fredericksburg, Va., and Luray, Va., May 30 and June 2, 1935:

MEMORIAL DAY ADDRESS OF SIMON M. HAMLIN, MEMBER OF CONGRESS, FIRST DISTRICT OF MAINE, GIVEN AT NATIONAL CEMETERY, FREDERICKSBURG, VA., BEFORE THE AMERICAN LEGION AND VETERANS OF FOREIGN WARS, MAY 30, 1935

On this day we lay flowers on the graves of those we love, think again of them, how they talked, how they looked, what they did. We do this in an individual way, the wife for husband, son for mother, and brother for sister. The flowers speak faith, hope, charity; and this has grown into a community or group service and group war observance. So far as I know, this was first started in the South in Mississippi around 1867, when some ladies of Columbus, Miss., strewed flowers over the graves of Confederate and Union soldiers alike. I believe this to be a fine thing to do. I believe it helps us all to have one day at least when we think anew of those gone before, dear ones who have left us; particularly is this day sacred to our soldier dead—those who gave their lives for this Nation of ours. And it is in memory of these soldiers and sailors that I am to speak to you today. And I want to thank those who have given me this opportunity of coming down into the sunny South, a land I have wanted so much to visit, and now I am with you, a Yankee visitor from the First Congressional District of Maine.

I love to think of the history of American Government and review the wars. How the patriots North and South, under Washington, got independence and a free land, and with Commodore Hull and Andrew Jackson at New Orleans, a free sea. Then came the War with Mexico under Scott, and then the Civil War which never ought to have been, but thank God it is over now, and the heroes who wore the blue and the heroes who wore the gray sleep under American soil and beneath the blue waters, and we honor their memories today. In 1897, I believe, I know I was in college at this time, I read in the papers: "Henry W. Grady dead." How many times I have read his incomparable orations and this on the new South: The Confederate soldier, lifting his torn and battered cap for the last time to the graves that dot the old Virginia hills, he turns homeward, and begins his slow and painful journey, and he goes on to speak of what he found, but from that he says horses that hauled cannon in April leaped before the plow, and fields which were red with blood in April were green with the harvest in September. But those times are, thank God, gone.

Our next war was the Spanish War, and I am of the belief that our soldiers and sailors never showed more courage and love for the old flag than in that war and perhaps were never more mismanaged. About the same could be said about our soldiers and sailors in the Philippine Insurrection, and now we come to the World War, our last—and I hope it will be the last of our wars. This war—in fact, all our wars—shows that the real power of a nation lies not in bushels or acres, in bank balances or ships, in wealth or going business; these wars all showed that our Nation rests on the hearts and souls of a great and noble people.

WHAT CONSTITUTES A STATE?

Yes; we honor today our heroes of wars; they died that we might live; they suffered that we might have hope and joy; but while we honor our soldier dead, let's remember the heroes of peace. The greatest act of General Washington was not when he crossed the Delaware, or when he drew his sword under the great elm at Cambridge; the greatest act of Washington was when he refused the kingship of America. I love to think that these heroes of ours never fought for conquest, never died that this Nation might extend its borders.

The 1812 war gave us not one foot of land. The Louisiana Purchase made our first addition, Mexican Treaty, second; Gadsden Purchase, Florida Purchase, Alaska, Philippine, etc., all bought—never gained by war. We covet no man's land, now as always, but, now as always, with blood of the heroes of old, with the spirit of those who wore the blue and those who wore the gray, with sons of these in a defensive war we could defy the world. And so we reverence the old flag, for under its folds the weak are protected and the strongest must obey. Look to your history, that part of it which the world knows by heart, and you will find on its brightest page the glorious achievements of the American soldier and sailor. Whatever his country has done to disgrace him and break his spirit he has never disgraced her; he has always been ready to serve her, he always has served her faithfully and effectively. He has often been weighed in the balance but never found wanting. The only fault ever found with him is that he sometimes fights ahead of his orders. The world has no match

for him, man for man; and he asks no odds, and he cares for no odds when the cause of humanity or the glory of his country calls him to fight.

O men who died in battle and in prison,
Or on the long march fell beside the way,
From those far heights to which thy souls have risen
Look down, look down, and counsel us today.

These fragrant flowers by tender hands collected
To deck thy graves, year after year proclaim
That all thy valiant deeds are recollected
And time but adds new splendor to thy fame.

Great were those deeds! Each star upon our banner
Shines with the deathless luster of thy worth.
Each scattered bloom retells in its own manner
Thy valiant story to the listening earth.

O men who died in battle and in prison,
Or on the long march fell beside the way,
Lean from those heights to which thy souls have risen
And counsel us on this Memorial Day!

And if too far thy voice for us to hear it,
Through all earth's din, help us to understand,
And stir our living rulers with thy spirit
Of sacrifice, and save again the land.

MEMORIAL DAY ADDRESS AT LURAY, VA., SUNDAY JUNE 2, 1935, BY SIMON M. HAMLIN, MEMBER OF CONGRESS, MAINE, FIRST DISTRICT, BEFORE THE MILLER-CAMPELL POST, AMERICAN LEGION

On this beautiful day in this wonderful setting, of field and forest, of mountains around and blue sky above; you, young and old, bring the flowers of your homes to put on the graves of those you loved once, and love now, for love is love for evermore.

It seems altogether fitting to take one day at least out of the year in which to think again of those we loved and lost, who have gone ahead on the long, long trail, where soon we shall follow.

It is good for us to think of them just as they were; and they would not wish us to be sad; they would want us to be happy, and to live the best, so to be the happiest.

Memorial Day appeals to us all to observe it individually. To think of our fathers and mothers who have died, or of our brothers or sisters, or sons and daughters who be at peace. But it has, I think, grown into custom to have especially the memories of our heroes, soldiers and sailors who were willing and anxious to risk all; happiness, health, life itself for those they loved and the Nation they revered.

Let us draw some lessons from our past history and apply them to the present days, and first our wars: Revolutionary, 1812, Mexican, Civil, Cuban, Philippine, World War.

Never one of them a war of conquest. We have not gained land by war. Our additions of territory—Louisiana Purchase, Mexican Treaty, Gadsden Purchase, Oregon Boundary, Alaska Purchase, island possessions, Panama Treaty—were not gained through war.

Jefferson bought Louisiana, Polk's administration bought Texas and the land west of the Rockies, Alaska was bought in Grant's administration, Panama Canal Zone in Teddy Roosevelt's administration, and the Philippines, taken for a time, are returning to their own people.

Oh, no; our wars have never been wars of conquest. And even the Civil War was not a war of conquest, but a war between brothers. God save us from another, and He will, we know; and while I have had one of the most wonderful visits of my life down here in the sunny South, I have seen the trenches and bullet holes at Fredericksburg, and the monuments and markers where the men in gray and the men in blue died, each for what he thought was right. This has all made me love this great Nation more, for I can see plainer than ever before what it has cost, what it is worth.

So I think if our heroes of the old days could speak they would tell us: People of America, see what this fair land cost. In the Revolutionary, from the night of Valley Forge to Yorktown, cloudless day. In the 1812 War we can almost see Jackson at New Orleans saying, "See that every shot tells." Grant, "Take your horses, you will need them for your spring work."

Lee, "Our duty is to obey the laws." Pershing, "Lafayette, we are here." Our soldiers and sailors have always been a credit to America; whatever mistakes our Government has made toward them, they have always been true to it. In anywhere near a fair chance they have never been defeated, and man for man no nation has their superiors.

But the heroes of war are not the only heroes. Jackson's greatest act was not on the levee at New Orleans when he defeated the British General, Packenham, but when he bowed his head to the Christ of Galilee.

And our soldiers of all our wars have always been our leaders in peace. These Legion boys here in Luray with their wives and little ones, their hands full of flowers, tell the story, which I read everywhere I go, that our present war veterans are as helpful in peace as they were in war; that they are among the leaders in all community good works.

I want to thank you all for this opportunity you have given me to come into your hospitable southern land and see you face to face, for you look good.

And now we don't want war; we want peace and joy; and should work together to keep America leader of the world. And we'll say:

"There, too, sail on, O Ship of State,
Sail on O Union strong and great.
Humanity with all its fears,
With all the hopes of future years
Is hanging breathless on thy fate.

"We know what Master laid thy keel,
What workmen wrought thy ribs of steel;
Who made each mast and sail and rope,
What hammers rang, what anvils beat,
In what a forge, and what a heat
Were shaped the anchors of thy hope.

"Fear not each sudden sound and shock,
'Tis of the wave and not the rock.
'Tis but the flapping of the sail,
And not a rent made by the gale.
In spite of rock and tempest's roar,
In spite of false lights on the shore.

"Sail on, nor fear to breast the sea,
Our hearts, our hopes are all with thee.
Our hearts, our hopes, our prayers, our tears,
Our faith, triumphant o'er our fears,
Are all with thee,
Are all with thee."

MEMORIAL DAY ADDRESS

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks, and to include therein a speech delivered by my distinguished colleague, the gentleman from Georgia [Mr. DEEN], at Shepherdstown, W. Va., on last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech delivered by my distinguished colleague the gentleman from Georgia [Mr. DEEN] at Shepherdstown, W. Va., Saturday, June 1, 1935:

Mr. President, ladies, and gentlemen, it was with sincere appreciation that I accepted the invitation so generously extended me by your most distinguished and popular Representative in Congress, the Honorable JENNINGS RANDOLPH, to come to Shepherdstown, W. Va., today and be your guest speaker on this occasion, the observance of Decoration Day in honor of our Confederate heroes.

If the admiration, love, and esteem in which a Member of Congress is held by his colleagues is any indication of the type of citizenship he represents, then, certainly this part of West Virginia is one of the greatest spots on the American continent, for JENNINGS RANDOLPH is without question one of the Nation's most distinguished statesmen, a young man whose powers of oratory and genial disposition have endeared him to all his colleagues. In my opinion, no Member of Congress has ever accomplished more than JENNINGS RANDOLPH in the same length of time that he has served in the House of Representatives.

Assembled throughout the Nation today are millions of American citizens who are pausing to pay tribute to America's heroes of all wars in which the United States has been engaged—to our heroes, both living and dead. Immediately following the close of the Civil War, southern wives, mothers, sisters, and sweethearts of fallen Confederate heroes, in loving remembrance of their departed loved ones, wended their way to the graves of their dead, and there, with tears freshly fallen from their eyes, bathed the wreaths of flowers which they gently and tenderly placed on many of the lost and neglected graves. April 26 was later designated as "Southern Memorial Day." Shortly thereafter, by Executive proclamation, May 30 was designated as "National Memorial Day."

It is with dual emotions that we assemble here today—emotions of sadness when we think of the devastation, tragedies, and horrors of war; emotions of joy because our Nation, and its 120,000,000 American citizens, has been preserved since the days of colonization from communistic enemies within and foes without.

There are five historic and significant periods in the glorious annals of American history. The Revolutionary War of 1775, which is the first of the five eras of predominant significance, marks the achievement of our independence, freedom, liberty, and Americanism. This era was one of American chivalry and patriotism so gallantly displayed by the Father of our Country, George Washington, first President of the United States, and by the loyal and unswerving soldiers who followed him at Valley Forge.

Actuated primarily by a desire to obtain a more satisfactory adjustment with the Indians in the United States, with special effort on the part of the Federal Government to better regulate fur trade and other foreign trade between Canada, the United States, and Great Britain, the Congress of the United States

declared war against Great Britain in 1812. Although both in Canada and the United States there was much opposition to the war, America's militia, numbering about three-quarters of a million men, displayed great courage and skill both on land and sea. Peace proposals and memorial resolutions were sent President James Madison from various parts of the United States, and our young Nation, then less than 25 years old, soon emerged from the dark shadows of the War of 1812.

The third and most significant era in American history is the period existing from 1861 to 1865. During this time 11 sovereign States of the Nation, embodied together in effort and purpose, constituted the Southern Confederacy.

In 1860, upon the news of the election of President Abraham Lincoln, South Carolina, on December 20, by convention, seceded from the Union by purporting to repeal her adoption of the Constitution of the United States in 1788. Mississippi seceded January 9, 1861, Florida January 10, Alabama January 11, Georgia January 19, Louisiana January 26, and Texas February 1—all by conventions. These seven States formed the Confederate States of America February 4, 1861. After the firing upon Fort Sumter, four more States seceded: Arkansas (no. 8) May 6, 1861; North Carolina May 20, 1861; Virginia May 23, 1861; and Tennessee (the eleventh State) June 8, 1861.

On February 4, 1861, the provisional congress met at Montgomery, Ala., and on February 9, Jefferson Davis, of Mississippi, was chosen President of the Confederacy and Alexander H. Stephens, of Georgia, was chosen Vice President. The seat of the Confederate Government was removed to Richmond, Va. Jefferson Davis and Alexander H. Stephens were then elected under the provisions of the permanent Confederate Constitution and were inaugurated on February 22, 1862. They continued in office throughout the war.

No one doubts that the cause of the Confederacy was legally and morally just. The paramount question was not one of whether or not slavery should be continued, but was a question of whether or not a sovereign State had a moral and legal right to secede from the Union, by rescinding its adoption of the Federal Constitution. The right of a sovereign State to secede is a right inherent in the citizens of a given State. The question of State rights versus nationalism was a question long debated in the early days of our country, not only around the fireside but in famous halls, on public platforms, and in State capitols.

The line of demarcation which separates the rights, liberties, and responsibilities of a sovereign State from those rights, liberties, and responsibilities delegated to the Federal Government, should ever remain uppermost in the minds of those Federal officials charged with the responsibility of administering the Federal Government.

The glorious achievements of Confederate generals like Lee, Jackson, Longstreet, Johnston, Beauregard, and Forrest were surpassed only by their valor and courage in facing the enemies' fire of shot and shell when charged by Federal generals like Grant, McClellan, Meade, Sherman, Thomas, and Sheridan.

The 4 years of war's bitter battles of bloody strife took their toll from both Confederate and Federal soldiers at Bull Run, Donelson, Shiloh, Antietam, Murfreesboro, the Monitor and Merrimac, Vicksburg, Gettysburg, Wilderness, Nashville, Fredericksburg, Chancellorsville, Chickamauga, Bentonville, and the Battle of Atlanta.

On January 1, 1862, there were enrolled in the active armies of the Confederacy 318,011 men; January 1, 1863, 465,584; January 1, 1864, 472,781; and January 1, 1865, 439,675. Historians have practically agreed that approximately 800,000 men served in the Confederacy at one time or another during the war.

A total of 2,778,304 men constituted the Army and Navy of the United States and were at the command of Federal generals. During the war 360,222 Federal soldiers were killed, and northern writers have assumed that the Confederate losses equaled the Union losses.

Expenditures, 1862-65, were as follows:

	War	Navy	Miscellaneous	Interest on debt	Total
1862-----	\$389,173,000	\$42,640,000	\$24,564,000	\$13,190,000	\$469,567,000
1863-----	603,314,000	63,261,000	27,428,000	24,729,000	718,733,000
1864-----	690,391,000	85,705,000	35,186,000	53,685,000	864,967,000
1865-----	1,030,690,000	122,617,000	64,395,000	77,395,000	1,295,097,000

An examination of these figures gives an approximate estimate of the cost of the war. In 4 years the expenditures for war amounted to \$2,713,568,000 compared with \$88,306,000 in the preceding 4 years; and for the navy, \$314,223,000 compared with \$52,644,000 in the previous term. To these totals must be added the interest charges on the debt created during the period. The expenditures during the 4 years of conflict however, are but a portion of the account; several years elapsed before the expenditures for war and navy were brought down to a normal basis, and in the last year of the war pensions began to swell the annual cost of the Government. In 1879 a tabulation was made of the expenditures growing out of the war down to that date, showing the enormous sum of \$6,190,000,000. A complete estimate would include a large amount of State expenditures which find no record in the books of the National Treasury.

The interest on the public debt from 1861 to 1893 was \$2,536,128,210.50. The Civil War pensions by June 30, 1919, had amounted to \$5,299,859,509.39.

The initial cost of the Civil War, plus interest on the public debt together with cost of pensions today, gives a total of \$12,322,186,601.22. But there was a greater cost than that represented by money. It was the loss of life, property, and happiness. The devastations of war cannot be measured in dollars and cents.

Both my grandfathers were Confederate soldiers. My paternal grandfather was killed in the war, never returning home to see his young wife again and glance upon the face of his son who was born only a few days after his enlistment in the Confederate Army. This son was my father and, inspired by his blessed and sainted memory, I have undertaken with increasing courage the task of a greater service to my country. My paternal grandfather, with his loyalty, love, devotion, and patriotism for his Confederate generals, died on a lonely and bloody battlefield, where his noble heart perhaps became the vomit of vultures and his flesh the food of the carrion crow. He died for a cause that he thought was right. I love, revere, respect, and cherish his memory.

Returning home at the close of the war, my maternal grandfather, still in the prime of young manhood but without clothes, money, food, or property, began anew the career of his young manhood—that of agriculture. He built a home, cleared a large farm, reared a family of several children. I have often sat upon his knee and listened with eager imagination to the many and varied war incidents related by that noble soul. My maternal grandfather, after living a useful life and reaching his three score and 10 years, answered the last bugle call and was laid to rest, not in some jeweled city of the dead but in his family cemetery on a sloping hillside, almost within a stone's throw of where he spent his entire life.

Thanks be unto our Creator that America has learned that civil strife, internal disturbances, monopolistic combines, and oppression of the poor are not conducive to the security and perpetuation of a loyal and patriotic America. Today 120,000,000 and more Americans are recipients of a heritage bequeathed to us as a precious treasure, purchased with the price of blood, preserved and maintained in patriotic love, dedicated in prayer and devotion—a heritage we love to call America—a shrine builded as an emblem and mark of achievement, wrought by our forefathers.

For those heroes who fought, bled, and died to maintain and preserve our civilization since the beginning of this Nation, and who today sleep beneath the tranquil shade of the trees which sheltered them from the enemies' fire, we can do nothing more than pay tribute to them by rededication of ourselves to the worthwhile endeavors championed by them when first they placed foot on American soil. They not only conquered wild beasts, cut down trees, built roads and houses, created local self-government and made a civilization, but American patriots have defended that civilization against foreign invasion and foreign foes.

To those Confederate heroes of the sixties now living we pay tribute. There are less than 14,000 Confederate soldiers now living.

All of them were once young men, with strong hearts, courageous, undaunted, and unafraid. They marched forward to face the enemies' fire, and amid shot and shell, many of them wounded in body have survived through the years. The eye that was once alert and keen, the body that was once strong and stalwart, the hand that was steady, the shoulders that were straight, the countenance that was youthful—these have all faded. With stooped shoulders, frail bodies, dimmed eyes, and trembling hands most of the heroes of the sixties are fast joining their comrades on the other shore.

Heroes of the sixties departing this life, both during the war and since then, probably would have expressed their last sentiments to us as follows:

"A place in thy memory, dearest,
Is all that I claim;
To pause and look back when thou hearest
The sound of my name."

"For I would not live always,
I ask not to stay
Where storm after storm
Rises dark o'er the way."

The policy of the Federal Government in preserving national cemeteries which mark the last resting place of thousands of America's soldiers is an admirable one. The Unknown Soldier's Tomb in Arlington Memorial Cemetery, Washington, D. C., is a tribute by the Federal Government and the American people, not only to the soldier whose ashes are entombed within its confines, but to every American soldier of all wars who sleep beneath rivulets, battlefields, trenches, and the sea, and whose names have not been recorded among our heroic dead. Many of our war heroes went as intrepid and unselfish warriors from beneath the roofs of their humble cottages, and the devotion of the American people may truly be expressed to them as follows:

"On a lone barren isle, where the wild roaring billows
Assail the stern rock, and the loud tempests rave,
The hero lies still, while the dew-dropping willows,
Like fond weeping mourners, lean over his grave.
The lightnings may flash and the loud thunders rattle;
He heeds not, he hears not, he's free from all pain;
He sleeps his last sleep, he has fought his last battle;
No sound can awake him to glory again."

"Yet spirit immortal, the tomb cannot bind thee,
But like thine own eagle that soars to the sun,
Thou springest from bondage and leavest behind thee
A name which before thee no mortal hath won.
Tho' nations may combat, and war's thunders rattle,
No more on thy steed wilt thou sweep o'er the plain;
Thou sleep'st thy last sleep, thou hast fought thy last battle,
No sound can awake thee to glory again."

The fourth significant epoch in American history is that in 1898. On April 21 of that year the United States began war with Spain, but active hostilities ceased August 13, 1898; however, the war officially ended April 11, 1899. The war involved the question of Cuba's desire for freedom and independence. As a colony of Spain, Cuba was a valuable trade center. The already established policy of colonial secession from a mother country placed the United States in the position of naturally assisting Cuba, because it was through the same course that the Thirteen Colonies won their independence from Great Britain in 1776. The war of 1898 between Spain and the United States ended without any great financial loss and without loss of but a few thousand American soldiers to the United States.

The fifth period to which I briefly call your attention is that existing from 1914 to 1918 and known as the "World War period." With regulars numbering 545,773; volunteers, 728,234; and drafted, 2,783,094, a total of 4,057,101 men in the United States served in the World War. This does not include marines who served with the Army in France.

The pride and flower of American youth and manhood went forth as courageous warriors, thousands of them never to return; others returned with blighted futures, blasted hopes, and physical impairments, while others returned to private life without bodily or mental injury.

One hundred and twenty thousand Americans alone were killed in the Battle of Meuse-Argonne, which was by far the greatest battle ever fought by American troops.

In addition to the several billions of dollars which the World War has and will cost the United States, European countries owe us approximately today \$11,000,000,000 as a result of loans granted them during the war.

The horrors and tragedies of cruel warfare cannot be expressed in dollars. The cost and loss in human lives and human values transcend in importance the loss of property and money. The carnage of warfare should forever discourage the brutal and selfish aims of greed and gain which seek to promote war. I am not one of those persons who believes veterans should not receive special consideration at the hands of their Federal Government. I have always maintained that our veterans of all wars, whether living or dead, distinguished themselves in a separate group of citizens by offering their lives in defense of their country's welfare. As one Member of Congress I voted for the payment this year of the adjusted-service certificate and did so because I believe it to be right and proper at this time.

Millions of Americans today are sending their thoughts in silent expressions across the sea to Flanders Field where lie on some hillside, or in a forgotten trench, American boys who gave their all in a bloody battle of the bloodiest war since Napoleon drove his men into the enemies' ranks of fire and dynamite.

Speaking of America's soldiers of all wars, whether living or dead, and whether buried on American soil or on foreign soil; beneath the mad ocean waves, on a mountainside in a humble cottage, or in a mansion by the sea, I like to associate their names and memories with America's homes which they helped to preserve in time of war.

"There's something in us native to the soil where we belong.

The gentle gift of gladness or the touch of living song.

There's something in us answering in the long result of years,

Responsive to the message of the soil that caught our tears,

That caught our echoed laughter in childhood's far away—

That comes back rushing o'er us, some far time at work or play,

And all the end and answer of the problems where we roam

Is in the dreams remembered of the little spot called home."

Perhaps it is not unfitting for us to think also of those millions of stalwart, heroic men and women of America who have not been enlisted in the Army or Navy, but who remained at home and contributed their best of thought, labor, money, time, and effort toward victory for the United States in the world conflict from 1914 to 1918. It is this great army of home owners, property owners, taxpayers, liberty-loving and patriotic citizens who will eventually win against the present economic war of selfishness, greed, and gain, maladjustment, and unfair practices.

God save the great middle class of people in this Nation. It is on their shoulders that our future largely depends. God save the common people of the Nation for they are our hope.

Oliver Goldsmith in his *Deserted Village* pictures the value of common people to a nation's welfare when he said:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.
Princes and lords may flourish or may fade,
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

To those gallant heroes, both in war and peace, who have builded our civilization and fortified it against insidious attacks of foreign foes and domestic enemies; have builded our civilization on a firm foundation and have builded for our footsteps, we pause to pay tribute. In thinking of the bridges they built which

have taken us over many dangerous precipices, I am reminded of that matchless poem, entitled—

"THE BRIDGE BUILDER

"An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and deep and wide.
The old man crossed in the twilight dim—
The sullen stream had no fear for him;
But he turned when safe on the other side
And built a bridge to span the tide.

"'Old Man', said a fellow pilgrim near,
'You are wasting your strength with building here,
Your journey will end with the ending day.
You never again will pass this way—
You've crossed the chasm deep and wide—
Why build this bridge at eventide?'

"The builder lifted his old gray head—
'Good friend, in the path I have come', he said,
There followeth after me today
A youth whose feet must pass this way;
This chasm which has been as naught to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him.'"

My first visit to your great State would not be complete if I did not tell you how greatly impressed I was this morning as I drove along your wonderful highways. I was inspired by the natural beauty of your State, which was the thirty-fifth State to enter the Union, June 19, 1863.

If I recall my history correctly, the western and northwestern parts of Virginia refused to be bound by the ordinance of secession of April 17, 1861. A convention was called at Wheeling in May 1861. This convention refused to recognize State officers who were in opposition to the Federal Government at that time. The convention elected Frank Pierpont Governor of Virginia and called a State legislature to meet at Wheeling. The legislature gave its consent to a division of the State of Virginia. West Virginia therefore became a separate State in June 1863. That has been only 72 years ago. Ancestors of many of you who remained faithful to the Confederacy were later disfranchised.

Today West Virginia has a population of 1,800,000 people, with an approximate area of 24,000 square miles, and composed of 55 counties, representing varied interests and industries, including agriculture, livestock raising, glass, pottery and ware manufacturing, steel, and coal industry. Your State is the largest bituminous coal producing State in the Union, with an output of 10,000,000 tons monthly. In addition to these resources, you have tremendous possibilities for power development and many other assets too numerous to mention.

Your State should be justly proud of her six capable Representatives and two distinguished Senators in Congress. I notice in Statuary Hall in the Capitol your State has honored its first Governor, Hon. Frank Pierpont, and a distinguished United States Senator, Hon. Joseph Kenna, with a place among America's greatest, including two famous and distinguished Georgians from my own State, Dr. Crawford W. Long, discoverer of ether in 1842, and Alexander H. Stephens, Vice President of the Confederacy.

The safety and perpetuity of the United States must necessarily rest on three things. First, our American homes; second, our American mothers; and third, allegiance and rededication of America to our Creator. Homes where peace abides, happiness dwells, where mothers, wives, sisters, and sweethearts are enthroned as queens, homes that are havens for weary husbands and places of refuge for sons and daughters—these are the institutions which are dear to our hearts.

America needs to rededicate itself to the Creator of all life, love, liberty, and happiness. No nation can survive which forgets God. The American people would do well to stop for a moment and cease asking and demanding from their fellow man as well as their Creator, and on the contrary give thanks and appreciation to their Creator. This rededication of America will reflect through the annals of American history, splendor and grandeur as the scroll of honor of earth's heroes is unfurled throughout future centuries. Peace, happiness, and prosperity will survive and abound in the same proportion as our Nation rededicates itself to the principles of freedom, justice, wisdom, truth, and Christianity.

"Thou art, O God, the life and light
Of all this wondrous world we see,
Its glow by day, its smile by night
Are but reflections caught from Thee,
And where'er we turn, Thy glories shine
As all things fair and bright are Thine."

Through our American homes and a rededication of America to our Creator, the safety and perpetuity of the United States can be securely attained. Along with these two powerful forces is the inspiration emanating from the lives of American mothers—mothers whose hearts are filled with love and devotion for their Nation's welfare, for the preservation of all that is sacred and is a part of our country's history.

While we are speaking of America's heroes and heroines, of the victory of the vanquished and of earth's greatest battles, I recall the appropriate words of the poet as follows:

"The bravest battle that ever was fought,
Shall I tell you where and when?
On the maps of the world, you'll find it not,
'Twas fought by the mothers of men.

"Nay, not with cannon or battle shot,
With sword or noble pen,
Nay, not with eloquent words or thoughts
From mouths of wonderful men.

"But deep down in a woman's heart,
Of a woman that would not yield,
But bravely, silently bore her part
Lo! There is the battlefield.

"No marshalling troupe, no bivouac song,
No banner to gleam and wave,
But oh! Those battles that last so long,
From babyhood to the grave.

"Yet, faithful still as a bridge of stars,
The fight in her walled-up town,
Fights on and on through endless wars,
Then silently, unseen, she goes down."

UNITED STATES COMMISSION FOR CONSTRUCTION OF A WASHINGTON-LINCOLN MEMORIAL-GETTYSBURG BOULEVARD

The SPEAKER had the Clerk read the following announcement:

Pursuant to the provisions of Public Resolution 19, the Chair appoints as members of the United States Commission for the construction of a Washington-Lincoln Memorial-Gettysburg Boulevard the following Members of the House: Mr. HAINES, Pennsylvania, and Mr. LEWIS, Maryland.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

PRELIMINARY EXAMINATION OF THE NEHALEM, MIAMI, KILCHIS, WILSON, TRASK, AND TILLAMOOK RIVERS, TILLAMOOK COUNTY, OREG.

The Clerk called the first bill on the Consent Calendar, H. R. 4077, authorizing a preliminary examination of the Nehalem, Miami, Kilchis, Wilson, Trask, and Tillamook Rivers, in Tillamook County, Oreg., with a view to the controlling of floods.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WILSON of Louisiana. Mr. Speaker, the Senate has passed a similar bill, and I ask unanimous consent that the Senate bill may be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Nehalem, Miami, Kilchis, Wilson, Trask, and Tillamook Rivers, in Tillamook County, Oreg., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 4077) was laid on the table.

UMPQUA RIVER, OREG.

The Clerk called the next bill, H. R. 5651, authorizing a preliminary examination of the Umpqua River, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 449) may be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Umpqua River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the

provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5651) was laid on the table.

COQUILLE RIVER, OREG.

The Clerk called the next bill, H. R. 5773, to authorize a preliminary examination of Coquille River and its tributaries in the State of Oregon with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that a similar bill (S. 448) may be substituted for the House bill.

There being no objection, the Clerk read the Senate bill as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Coquille River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5773) was laid on the table.

ROGUE RIVER, OREG.

The Clerk called the next bill, H. R. 5774, to authorize a preliminary examination of Rogue River and its tributaries in the State of Oregon with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Rogue River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIUSLAW RIVER, OREG.

The Clerk called the next bill, H. R. 5775, to authorize a preliminary examination of Siuslaw River and its tributaries in the State of Oregon with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Siuslaw River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YAQUINA, RIVER, OREG.

The Clerk called the next bill, H. R. 5776, to authorize a preliminary examination of Yaquina River and its tribu-

taries in the State of Oregon with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Yaquina River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

SILETZ RIVER, OREG.

The Clerk called the next bill, H. R. 5777, to authorize a preliminary examination of Siletz River and its tributaries in the State of Oregon with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Siletz River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN OFFICERS AND SOLDIERS IN THE WAR WITH SPAIN WHO WERE HELD IN SERVICE IN THE PHILIPPINE ISLANDS AFTER RATIFICATION OF TREATY OF PEACE OF APRIL 11, 1899

The Clerk called the next bill, H. R. 2024, for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

Mr. HOEPEL. Mr. Speaker, in view of the fact that the Pension Committee is interested in obtaining a rule or recognition for suspension of the rules for the passage of the Spanish veterans' pension restoration bill—H. R. 6995—and because of the fact that the passage of this present legislation may possibly prejudice the obtaining of such a rule, I ask unanimous consent that this bill be passed over without prejudice.

Mr. TRUAX. Mr. Speaker, reserving the right to object—and I shall not object—I want to verify what the gentleman has just stated. This bill was discussed by the members of the Pensions Committee, and their unanimous opinion was that the bill should be held in abeyance pending the disposition of the other measure.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I have had occasion to talk with several Spanish-American War veterans who are interested in this measure. They tell me this is a very meritorious bill and one that should be passed. If it is just a matter of pride of authorship in the Committee on Pensions, I believe we ought to lay such feeling aside and that the members of that committee should submerge their pride and let this bill be passed, because I understand it is a very meritorious measure.

I do not see any reason why the bill should be passed over, and I am going to object to its being passed over. By doing so, I will thereby call for the immediate passage of the bill. I want this bill passed, for there are many Spanish War veterans who deserve what this bill will give them. To pass it over for another time may ultimately cause its defeat. Let us pass it today. It should be passed, and I hope it will be passed.

The SPEAKER. Objection is heard to the bill being passed over without prejudice. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain who were held to service in the Philippine Islands for service in the Philippine Insurrection after April 11, 1899, and after the conclusion of peace with the Kingdom of Spain, shall be entitled to the travel pay and allowance for subsistence provided in sections 1289 and 1290, Revised Statutes, as then amended and in effect, as though discharged April 11, 1899, by reason of expiration of enlistment, and appointed or reenlisted April 12, 1899, without deduction of travel pay and subsistence paid such officers or soldiers on final muster out subsequent to April 11, 1899.

SEC. 2. Claims hereunder shall be settled in the General Accounting Office and shall be payable to the officer or soldier, or to his widow, or to his legal representative: *Provided*, That no claim hereunder shall be allowed to a legal representative without proof of the existence of blood relations of the officer or soldier, as are defined in the act of June 30, 1906 (34 Stat. L. 750), to whom the fund would be distributed: *And provided further*, That where the payment to be made under this act is less than \$500 and the person who rendered the service is dead, is not survived by a widow, and no demand is presented by a duly appointed legal representative of his estate, payment may be made to the decedent's legal heirs as provided by existing acts relating to the settlement of accounts of deceased officers or soldiers of the Army (34 Stat. L. 750).

SEC. 3. The Comptroller General is authorized and directed to certify to the Congress, pursuant to the provisions of section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), all claims allowed hereunder.

SEC. 4. Applications for the benefits of this act shall be filed within 3 years after the date of its passage.

SEC. 5. Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application under this act shall not exceed the sum of \$10: *Provided*, That this limitation shall not apply to attorneys employed by claimants entitled to the benefits of this act who were active in the prosecution of their claim before Congress, to whom a fee of not to exceed 10 percent of the amount found to be due may be allowed. Any person collecting or attempting to collect a greater amount than is herein allowed shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 2 years, or by both such fine and imprisonment.

With the following committee amendment:

Page 2, after the word "or" in line 7, strike out all of lines 8 to 20, inclusive, and insert the following: "soldier, or if the person who rendered the service is dead, then to his widow, children in equal shares (but not to their issue), father, or mother as provided by existing acts relating to the settlement of accounts of deceased officers and soldiers of the Army (34 Stat. 750), but if there is no widow, child, father, or mother at the date of settlement, then no payment on account of the claim shall be made."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The Clerk called the next bill on the Consent Calendar, H. R. 1414, to provide for the appointment of an additional district judge for the eastern district of Virginia.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve an objection for the purpose of offering an amendment.

The SPEAKER. Is there objection?

Mr. TRUAX. I object.

The SPEAKER. This bill requires three objections. Is there further objection?

There was no further objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Virginia.

Mr. TRUAX. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 7, after the word "Virginia", strike out the period, insert a comma, and insert "to serve for the term of 4 years from the date of appointment."

Mr. MONTAGUE. Mr. Speaker, I make a point of order against the amendment.

Mr. BLANTON. I make the point of order against the amendment that it is not germane, in that it is in direct contravention to the Constitution of the United States.

Mr. MONTAGUE. I reserve the point of order.

The SPEAKER. The bill provides for the appointment of a judge and the amendment provides that the term shall be limited to 4 years. The Chair thinks it is germane.

Mr. BLANTON. If the Chair will kindly hear me a moment, under the Constitution of the United States and the present existing law a Federal judge is appointed for life, subject to good behavior. This bill is for the appointment of another Federal judge for the State of Virginia. An amendment limiting the term of office to 4 years is not germane, because under the Constitution of the United States judges are appointed for life, subject to good behavior.

The SPEAKER. The Chair will state that the bill provides for the appointment of a Federal judge. It is not the province of the Chair to pass on the constitutionality of the amendment. That is for the House to determine. The Chair thinks it is germane.

Mr. BLANTON. Could the House create a new judge for the Supreme Court of the United States and make the term of office for 1 year only?

The SPEAKER. That is a question of constitutional law on which the Chair cannot pass.

Mr. SUMNERS of Texas. Mr. Speaker, I direct the attention of the Speaker to this fact: The term of service of Federal judges is fixed in the Constitution. They hold during good behavior. Up to this time there is no agency of Government to which the issue of good behavior may be submitted. A good many American lawyers, members of the House, have the notion that good behavior is one of the issues that is adjudicated in an impeachment trial. That clearly is not true. An examination of the impeachment provisions of the Constitution shows that the provision gives to the Senate all the jurisdiction it can possibly have. The President is eliminated because of the historical background which resulted in the separation of the judiciary from Executive control. That leaves, therefore, the tenure of United States judges for life, subject to good behavior fixed by the framers of the Constitution in the Constitution itself, with no tribunal yet provided to try the issue of good behavior. It is my opinion, if I may venture it, that good behavior is a justiciable issue. It would not be possible, I submit to the Chair, for the Congress of the United States by legislation to put a limitation upon the tenure of the court which has been fixed in the Constitution.

The SPEAKER. The Chair is called upon to pass only on the question of whether this amendment is germane to the bill. This bill provides for the appointment of a judge and the amendment seeks to limit the term of the judge appointed under the bill to 4 years. The Chair is not passing on the constitutionality of the amendment. That is something which, under the rules of the House, the Chair has nothing to do, but the Chair does think that so far as the question of germaneness is concerned the amendment is clearly germane to the bill. The Chair therefore overrules the point of order.

Mr. BLANTON. Mr. Speaker, will the Chair permit a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. BLANTON. Has the time come, Mr. Speaker, when neither the House nor the Speaker can consider a constitutional question at all?

The SPEAKER. That is not a parliamentary inquiry. The House should always consider the constitutionality of all legislation pending before it.

Mr. BLANTON. If we could do it by points of order, we would save much public money from being wasted in useless expense, for we could then stop proposals which we know to be unconstitutional, and would save our Supreme Court of the United States much time and trouble in undoing our action.

The SPEAKER. The Chair is not vested with the authority to determine that.

The question is on the amendment offered by the gentleman from Ohio [Mr. TRUAX].

Mr. TRUAX. Mr. Speaker, I submit it is high time that the Congress and the people of the United States limit the terms of the Federal judges, both of the district and circuit court and of the United States Supreme Court. Why, Mr.

Speaker, the term of every Governor of a State in the United States is limited to not exceed 4 years, and most of them 2 years, and in some States when they have two terms they must retire. Members of this House are limited to a term of 2 years. Every 2 years they must make an accounting to their constituents. The terms of United States Senators are limited to 6 years, and then they must make an accounting to their constituents. Why should Federal judges be the one exception to this time-honored rule? Why should they alone of all our public officials hold a life lease on their jobs? How can any man expect humanitarian decisions on \$20,000 a year with life tenure? The Constitution does not say that judges are appointed for life. It says that they are appointed for a term during good behavior.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. TRUAX. I yield for a short question.

Mr. McFARLANE. If the gentleman's amendment of 4 years be adopted, that will give the people ample time to determine whether or not this additional Federal judge is needed, and if he is not needed the office will automatically discontinue.

Mr. TRUAX. And it will give the people ample time to determine whether these judges are for all the people or for the vested interests. I claim the term of every judge in this country ought to be limited, and when they cease to serve all the people, and look at these questions only with their coldly legalistic minds, never considering the humanitarian side of the question, it is time for them to step out or to be kicked out by the people of this country. I hope to be able to fix the term of every Federal judge in this country, and every Supreme Court judge. Then and then only, when these judges are made responsible to the people, will we get decisions that are within the wishes and meet the desires of those people most affected. I read in the paper today that the old Supreme Court chamber will be used as a national shrine for future generations. I recall to your minds that when the future generations view that shrine they will see that it is now wet with tear drops, and they will find if they look closely that that shrine is spattered with the lifeblood of a quarter million farmers in this country whose farms will be sold in the next year because of the recent Supreme Court decision declaring unconstitutional the Frazier-Lemke farm bankruptcy bill.

For 135 years the Court has held forth under the dome of the Capitol. Now they are moving from this historic chamber to a new, magnificent, \$10,000,000 marble palace, built at taxpayers expense. That word "shrine" is one sometimes loosely handled in these later days. Webster defines "shrine" as "an object or place consecrated to some deity or saint; a place or object hallowed from history or association."

We recall that in that chamber the incomparable logic and wisdom of Calhoun radiated and blazed. Webster's vast powers vanquished and conquered many a foe; and in that historic chamber the mighty voice of Henry Clay inspired reverent patriotism by its ardent eloquence.

But on last Monday from that shrine there was not proclaimed a new Magna Carta for either the laborer or the farmer. The welkin did not ring with a new declaration of economic liberty and independence. The heads of distressed farmers whose property is about to be confiscated were bowed in sorrow, disappointment, and despair.

Look again and you will see the pinched wan faces and starving bodies of little children who will again be forced into ruthless drudgery and slavery by this decision. The N. R. A., as you know, abolished child labor. Look again and you will see riotous strikes of hundreds of thousands of industrial workers. Ultimately you will find labor disorganized. You will find this to have been accomplished by the scraping of the N. R. A. You will find wages falling and unemployment increasing. If N. R. A. has killed its thousands of small business men as enemies claim, then this junking of the act will slay its tens of thousands of workers.

It is time the Supreme Court should be denied the power to veto acts of Congress, to veto acts of State legislatures, to veto acts of all the Governors of this country. This is the only country in the world, the only civilized and enlightened country, where your Supreme Court has the dic-

tatorial power which they have asserted, where they have taken over the power to negative and nullify the acts of Congress in this country. [Applause.]

Mr. McLEAN. Mr. Speaker, I rise to a point of order. The gentleman is not addressing himself to the matter before the House.

The SPEAKER. The gentleman from Ohio will confine himself to the amendment.

Mr. MONAGHAN. Mr. Speaker, will the gentleman yield?

Mr. TRUAX. Yes.

Mr. MONAGHAN. In connection with the point the gentleman makes that this is the only country in the world where such a power is vested in the Supreme Court, it is interesting to note that in 1388 Chief Justice Trevelian in England was beheaded for declaring void an act of the Parliament.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. MONTAGUE. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the point of order now comes to the House itself. When we are sworn as Members of Congress our oath is not to support the American Government or any agency thereof; our oath is not to support the American people; our oath is to support the Constitution of the United States [applause] and all laws made in pursuance thereof. [Applause.] The point of order resolves itself into this: Will we violate our oaths or will we support our oaths? A judge, under the Constitution of the United States, holds his position during good behavior. This body and the Senate, combined with the President of the United States, cannot violate that plain, obvious clause of the Constitution of the United States by changing this term of service so organically fixed.

I will not venture into the field of discussion opened by the gentleman from Ohio [Mr. TRUAX]. That is not before this House. I have my own views upon those questions, as the gentleman seems to have his. To me these views have been long entertained; but, speaking parenthetically, I think we would subserve the interests of this country better if we would seek how to conform to the Constitution rather than to evade it. [Applause.]

Why should an exception be made in this case? Why should judges be elected in conformity to the Constitution, and by the amendment offered by the gentleman from Ohio be limited, in violation of the Constitution? That is the whole question. So I submit to you, irrespective of the merits of the gentleman's contention that may go to another forum in another day, at this time your hands and my hands are tied to vote to create a judgeship, which the judges thereof hold during good behavior, and we cannot make an exception to that rule in plain violation of the Constitution.

Therefore I ask the House respectfully to vote down the amendment. [Applause.]

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I shall not address my remarks to any mob or any rabble that would behead a judge when his decision did not suit. I shall address my remarks to men of wisdom and good judgment.

When the Constitution provides that judges shall hold their positions during good behavior, it means that they hold their positions for life, as long as their behavior is good. That applies to the entire Federal judiciary of the United States.

This amendment seeks to change the whole organic law respecting the creation of Federal judges. It emphasizes the unfortunate situation that the time has come when Congressmen, Members of the House and Senate, can have nothing in the world to do with constitutional questions; that we cannot pass on a question in the House as to whether it is constitutional or not.

Surely this proposed amendment is unconstitutional. If the House should so far forget itself as to adopt the amendment offered by the gentleman from Ohio [Mr. TRUAX], the very minute the matter reached the higher Court it would be set aside as unconstitutional. The lawyers of this House

know that it is against the provisions of the Constitution. Why do not we, as Members of the House, when these questions come up, when we know they are in violation of the Constitution, use our own judgment, and stop them, and not hesitate?

Is it popular just now to attack and inveigh against the higher courts? Has it become popular to attack the Supreme Court of the Nation? Has it become popular in the United States to make such a speech as my colleague from Ohio [Mr. TRUAX] has just made? I am one member of the bar, I will state to my friend from Ohio, who has absolute confidence in the Supreme Court of the United States. [Applause.] I thank God for it. I have confidence in the Federal judges of the United States. [Applause.] I am here to say that I feel absolutely safe when I try a case today before a Federal court. I feel that I will come just as near getting justice for my client as in any State court, and I know I will get more expedition in the trial.

Where is all this mob sentiment coming from? Where is all this Bolshevik propaganda coming from about the courts of the United States? I am no Bolshevik to join in such hurrah. [Laughter and applause.]

I am glad the Supreme Court decision has come to stop this wave of bolshevism that has been going on not only in the United States but on the floor of the House of Representatives. It has been going on too long and it ought to stop.

I hope there will not be any appreciable number of votes in favor of this amendment. [Applause.]

Mr. MONAGHAN. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, there is not a man in this House, aside from my good friend Mr. CROSSER, for whom I have more respect and admiration than my dear friend Mr. BLANTON, of Texas, but I do think if he will read the Constitution of the United States, he will see that we as Congressmen might be failing to uphold that Constitution in permitting nine men who are appointed for life, who are not in any way responsive to the wish or will of the people, to negative an act that was designed by the great leader of this Republic at the present day to promote and preserve economic liberty. The people of this Nation elected Franklin D. Roosevelt by an overwhelming majority of votes and have greater confidence in him than in any President that has ever been elected. The N. R. A. was a great humanitarian act, designed to preserve liberty, promote decent standards of living, better wages, better hours, and abolish child labor. The Frazier-Lemke Act was designed to save the farms of millions of citizens from foreclosure. It is not provided in the Constitution of the United States that the Supreme Court shall have such tyrannical power as to declare these acts void. When I called the attention of the gentleman from Ohio to the fact that in Great Britain Chief Justice Tresilian was hanged in 1389 for declaring an act of Parliament void, I simply wanted to call forcibly to the attention of this august body that which had been called to my attention Saturday by Mr. W. W. Royster, president of the Railroad Employees' National Pension Association, as bearing out the history of the world in connection with that usurpation of power.

"The most alarming tendency of this day", said Supreme Court Justice Harlan in 1911 in his dissent to the Standard Oil decree, "in my judgment, so far as the safety and integrity of our institutions are concerned, is the tendency to judicial legislation, so that, when men having vast interests are concerned, and they cannot get the law-making power of the country which controls it to pass the legislation they desire, the next thing they do is to raise the question in some case, to get the court to so construe the Constitution or the statutes as to mean what they want it to mean."

"You seem to consider the judges as the ultimate arbiters of all constitutional questions", said Thomas Jefferson, "a very dangerous doctrine indeed, and one that would place us under the despotism of an oligarchy."

The judges "have arbitrary power, and the corporations have taken possession of it simply by naming a majority of the judges." These words are not the words of a Bolshevik or a revolutionary. They are the quoted words of Chief Justice Clark of the Supreme Court of North Carolina.

Well, it does seem that the Supreme Court and other tribunals of justice following its lead have taken to themselves functions

that they were never intended to have, functions which appear to be entirely incompatible with the administration of justice and with democracy of government—

So runs an editorial note in Pearson's Magazine under the article entitled "The Usurped Power of Our Courts."

No court has the right to declare legislation unconstitutional. Four times the proposition to give the Supreme Court this power came to a vote in the Constitutional Convention. Four times the proposition was voted down. Yet the Supreme Court and State courts of appeals now assume this very power. Our judges appear to think that they are better than lawmakers, better than lawyers, less apt to err than mere mortals. Perhaps the public is responsible for this attitude. Perhaps we have been too ready to think that when a man puts on the robe he becomes at once a model of wisdom and virtue. We must now put aside fictitious tradition and consider the courts in cold blood. Their presumption of authority is one of the greatest problems with which we have to deal. They are charged with laying down one law for the poor and another for the rich. They have been called the "bulwark of privilege."

Mr. TRUAX. Mr. Speaker, will the gentleman yield?

Mr. MONAGHAN. I yield.

Mr. TRUAX. Rabble rousers were mentioned. I wonder if the gentleman recalls the rabble rousers out in Iowa in 1933, when farms were being foreclosed at the rate of 3,000 a day, and when they pulled a judge off the Federal bench. Does the gentleman recall the rabble rousers that caused that demonstration?

Mr. McLEAN. Mr. Speaker, I make the point of order that the gentlemen are not addressing their remarks to the matter under consideration.

The SPEAKER. The gentleman from Montana will proceed in order.

Mr. MONAGHAN. Mr. Speaker, I may say to the gentleman from Ohio that I would not by any means suggest anything that would in any way lead to such activity as that which occurred in Iowa or Great Britain. I believe that we in the Congress of the United States do more to promote mob psychology in this country, do more to promote revolution in this country, than can be conceived by us when we fail to curb the power of the Supreme Court in accordance with article III, section 2, of the Constitution of the United States, which provides:

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction * * * with such exceptions, and under such regulations as the Congress shall make.

I say that because I have received letters from all parts of the Nation since the delivery of my speech on May 27 in which I advocated a direct legislative act that would curtail this power of the Court to declare acts of Congress unconstitutional, and a majority of these letters express the sentiment succinctly stated by a Mr. Julien Cole, writing from Newport, Wash.:

It is men like you, B. K. Wheeler, Bone, Norris, Crosser, the lamented Senator Cutting, Huey Long, and a legion of others just as good that renew hope in us poor devils and keeps us from taking a gun and going down there and cleaning house.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MONAGHAN. I yield.

Mr. BLANTON. If my good friend from Montana wants to help the farmers of the United States in the matter of loans, let him make their loans secure; let the money lenders understand when they lend to our farmers that the loans mean something and cannot be set aside every day by moratoriums passed by Members of Congress. Such action in making loans secure will help the farmers, because they must have loans, and, to get loans, their loans must be secure, but he will not help them by his condemnation of our Supreme Court, because the farmers will be borrowing money long after the gentleman from Montana and the present speaker are gone.

Mr. MONAGHAN. If this Congress would establish a central banking system in this country, if it would take the banks away from the international bankers, wrest control from them, and would restore control to the Congress of the United States, where clearly the Constitution meant it to be placed, providing its right to coin money, and regulate its value, it will do more to help the farmers than by anything else it has done. [Applause.]

The SPEAKER. The question is on the amendment of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 220.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. TRUAX. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

ACT OF MAY 3, 1928

The Clerk called the next bill, H. R. 6771, to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484).

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I wish the author of the bill would explain it.

Mr. ROGERS of Oklahoma. Mr. Speaker, if the gentleman will yield, I realize there is an appropriation in this bill and that probably many Members will want to object, but in justification of the appropriation, may I say that it is to reimburse Indians for lands they did not get. The Government set aside an allotment of land, but when it came to be apportioned there was not enough to go around, and this bill is for the purpose of reimbursing those who did not get any land.

Mr. McFARLANE. Do the Government records show that the land was short and that this appropriation is necessary?

Mr. ROGERS of Oklahoma. Yes; in order to reimburse those Indians who did not get their share.

Mr. McFARLANE. What was the basis for determining the value of the land that was short?

Mr. ROGERS of Oklahoma. By the act of 1928 lands were set aside for them. When the lands were apportioned there was not enough to go around.

Mr. TRUAX. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. TRUAX. I thought we took care of all the Indians at the last call of the Consent Calendar, when we passed about 20 Indian bills.

Mr. ROGERS of Oklahoma. This situation was not taken care of.

Mr. McFARLANE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WERNER. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2241, be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of \$79,002.19 to pay various Sioux Indians enrolled at the different agencies the amounts which have been awarded to them by the Secretary of the Interior under the act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided,* That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of such services, not to exceed 10 percent of the recovery on each individual claim, which payment shall be in full settlement for all services rendered by such attorney or attorneys to said claimants in said claims.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a similar House bill (H. R. 6771) and a motion to reconsider were laid on the table.

PUNISHMENT FOR THE CRIME OF ROBBING OR ATTEMPTING TO ROB CUSTODIANS OF GOVERNMENT MONEYS OR PROPERTY

The Clerk called the next bill, H. R. 5360, providing for punishment for the crime of robbing or attempting to rob custodians of Government moneys or property.

Mr. TRUAX and Mr. WOLCOTT objected.

Mr. MEAD. Mr. Speaker, will the gentleman withhold their objection?

Mr. TRUAX. Mr. Speaker, I withhold my objection.

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to call the gentleman's attention to the situation which existed at the last call of the Consent Calendar. At that time I called attention to the fact that in line 10, page 1, merely to correct the grammar and the construction, there should be an amendment adding, following the comma, after the word "mail", the words "or of any" to make it conform to the language in line 7. My other suggestion went to the fact that the penalty provided was not more nor less than 25 years. I understand that is the penalty in the present law, and to that I withdrew my objection.

The only objection I have to the bill, and it really is not an objection, is the change I have suggested in the language in line 10.

Mr. MEAD. I shall be pleased to accept that as a perfecting amendment.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. TRUAX, Mr. McFARLANE, and Mr. COSTELLO objected.

INDIAN BUFFALO HUNT

The Clerk called the next bill, H. R. 5263, to purchase and erect in the city of Washington the group of statuary known as the "Indian Buffalo Hunt."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. TRUAX. Mr. Speaker, I object.

PROTECTION OF AMERICAN AND PHILIPPINE LABOR

The Clerk called the next bill, H. R. 7348, to protect American and Philippine labor and to preserve an essential industry, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE. Mr. Speaker, I object.

BRIDGE ACROSS WABASH RIVER AT MEROM, IND.

The Clerk called the next bill, H. R. 7083, to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object for the purpose of asking a question, I want to know whether or not this bridge will be a toll bridge or a free bridge?

Mr. GREENWOOD. Mr. Speaker, this bill is to extend the time for building this bridge by the county commissioners. It does not provide for private gain, but there will be tolls charged, which will be amortized over a period of years until the bridge is paid for.

Mr. McFARLANE. In other words, it will eventually be worked out as a free bridge?

Mr. GREENWOOD. Yes. There is no private profit connected with this bill in any way.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Wabash River, at or near Merom, Sullivan County, Ind., authorized to be built by Sullivan County, Ind., or any board or commission of said county which is or may be created or established for the purpose, by an act of Congress approved February 10, 1932, heretofore extended by an act of Congress approved April 30, 1934, are hereby further extended 1 and 3 years, respectively, from April 30, 1935.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTRACTORS ON PUBLIC-BUILDING PROJECTS

The Clerk called the next bill, H. R. 97, to require contractors on public-building projects to name their subcontractors, material men, and supply men, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKWEILER, Mr. WOLCOTT, Mr. NICHOLS, and Mr. MAVERICK objected.

BUILDINGS FOR UNITED STATES HIGH COMMISSIONER IN PHILIPPINE ISLANDS

The Clerk called the next bill, H. R. 6800, authorizing the construction of buildings for the United States High Commissioner to the Government of the Commonwealth of the Philippine Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I notice this appropriates the sum of \$1,000,000 for the purpose of building an office and residence in the Philippine Islands. We are trying to give those islands their independence and I see no reason why we should invest a million dollars more in the islands at the present time. Under the circumstances, therefore, Mr. Speaker, I object.

CREATION, ORGANIZATION, ADMINISTRATION, AND MAINTENANCE OF A NAVAL RESERVE

The Clerk called the next bill, H. R. 5731, to amend in certain particulars the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve", as amended, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX, Mr. ZIONCHECK, and Mr. McFARLANE objected.

U. S. S. "OLYMPIA"

The Clerk called the next bill, H. R. 7220, to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served the United States in the War with Spain.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to repair, equip, and restore the United States ship *Olympia*, as far as may be practicable, to her original condition, for use as a memorial to the men and women who served in the military and naval forces of the United States during the War with Spain. The said ship, when restored, shall be maintained by the Secretary of the Navy in the waters of the District of Columbia, abutting land owned by the United States, at a suitable site to be selected by the Secretary of the Navy, with the advice of the National Capital Park and Planning Commission. The Office of Public Buildings and Public Parks of the National Capital shall provide for the construction, care, and maintenance of said site and the approach thereto.

Sec. 2. There is hereby authorized to be appropriated the sum of \$75,000, or so much thereof as may be necessary, to repair, equip, and restore the United States ship *Olympia* and to cause said ship to be brought to the District of Columbia; and such sums of money as may be necessary for the construction, care, and maintenance of said site and the approach thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to have inserted at this point in the RECORD a sketch of the U. S. S. *Olympia* by Admiral H. I. Cone, who was engaged on that battleship.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I could not hear the request.

Mr. SEARS. This is a brief history of the *Olympia* as written by Admiral H. I. Cone, who was in the Battle of Manila Bay on the *Olympia*. This gives a complete history of the *Olympia* during her service. It may be interesting to note that this also recalls the fact that the U. S. S. *Olympia* brought over to this side the remains of the Unknown Soldier.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The matter referred to is as follows:

SKETCH OF THE U. S. S. "OLYMPIA", ADMIRAL DEWEY'S FLAGSHIP

The *Olympia*, protected cruiser, was built at the Union Iron Works, San Francisco, Calif. Authorized on September 7, 1888, her keel was laid in 1890. Launched November 25, 1892, and named for the capital city of the State of Washington; she was commissioned on February 5, 1895.

Length over all, 344 feet 1 inch; breadth on waterline, 53 feet one-half inch; normal displacement, 5,865 tons; speed, 21.69 knots; armament, ten 5-inch rapid-fire guns, four 8-inch barrel long-range; complement, 34 officers, 346 men.

After service as the flagship of Rear Admiral F. V. McNair, from 1895 to 1898, cruising in waters of Japan, China, and Sandwich Islands, the *Olympia* became the flagship of Admiral George Dewey in command of the Asiatic squadron on January 3, 1898, Capt. G. V. Gridley, United States Navy, commanding.

On May 1, 1898, at the Battle of Manila Bay, the *Olympia* led the attack on the ships of the Spanish Squadron. Admiral Dewey in his autobiography, states:

"At 5:40, when we were within a distance of 5,000 yards, I turned to Captain Gridley and said, 'You may fire when you are ready, Gridley.' While I remained on the bridge with Lamberton, Brumby, and Stickney, Gridley took his station in the conning tower and gave the order to the battery. The very first gun to speak was an 8-inch from the forward turret of the *Olympia*, and this was the signal for all the other ships to join the action. The action lasted from 5:41 a. m. (with an interruption of 3 hours) until 12:30 p. m., and ended in the destruction of the enemy's vessels."

On account of the ill health of Captain Gridley, Commander B. P. Lamberton was ordered to take command of the *Olympia* in June 1898. The vessel continued with the Asiatic Squadron until she went out of commission November 8, 1898, at the navy yard, Boston, Mass.

In January 1902 the *Olympia* was recommissioned under command of Capt. H. W. Lyon, and joined the North Atlantic Squadron as flagship in April 1902.

From December 1903 to April 1904, the *Olympia* was protecting American interests and lives in Panama, going on the same service in June to Smyrna and Turkey. In May 1905, and from July to December 1905, she was on a similar mission in Dominican waters.

This vessel was placed out of commission on April 2, 1906, at the Norfolk Navy Yard, but was recommissioned on May 15, 1907, and cruised with the midshipmen from the Naval Academy; placed in reserve at Annapolis and later taken to Charleston, S. C., where she remained in ordinary until 1916.

When the United States entered the World War, the *Olympia* was en route from St. Thomas, Virgin Islands, to the Norfolk Navy Yard. A week later she was designated flagship of the United States Patrol Force, commander of the Patrol Force, Rear Admiral Henry B. Wilson, and Captain Waldo Evans, in command of the *Olympia*.

She was employed in patrol duty off the coast of Nova Scotia and ocean escort for British merchantmen en route to and from New York and the War Zone. On April 28, 1918, she sailed from Charleston for Europe, arriving on May 20 at Scapa Flow, Scotland, and arrived at Murmansk, Russia, May 24. She transported Lieutenant General Poole, of the British Army, and a small detachment of troops. They drove off an attack at Pechenga.

On June 8, 1918, the *Olympia* sent a detachment 150 strong to Kandalaska to assist in guarding that point. When the Murmansk government broke with the Bolsheviks, allied troops landed in Murmansk. In August a detachment from the *Olympia*, under Captain Bierer, took part in the successful expedition against Archangel. This same detachment, under Lieutenant Hicks, bore their share in the pursuit of the retreating Bolsheviks to the interior, having some hard fighting.

In December 1918 the *Olympia* became the flagship of the commander United States Naval Forces, Eastern Mediterranean, visited ports along the Adriatic and made a cruise of the Black Sea.

In September 1919 was under way for Trau, Dalmatia, having been informed by the Italian senior naval officer present of the occupation of Trau by renegade Italian troops from the Italian occupied zone, which he urged the United States naval authorities to induce to return to the Italian zone prior to an inevitable clash of arms with the Serbian military authorities. Arriving at Trau, disembarked a landing force of 101 men and officers. The mission having been accomplished the landing force returned to ship, which returned to Spalato the same evening.

November 7, 1920, assisted in the delivery to the Italian Government of the ex-Austrian battleship *Radetzky* and ex-Austrian battleship *Zrinyi*. These two vessels held in trust by the United States after the armistice were towed out to sea and delivered to the Italian authorities as per agreement.

At Ragusa, Dalmatia, assisted in caring for refugees who were landed there and were in desperate circumstances due to hunger, lack of shelter, and the outbreak of typhus and smallpox. The ship distributed fuel, soap, clothing, and food and the medical officer cared for the sick.

The *Olympia* remained in European waters until May 4, 1921, when she left for the Philadelphia Navy Yard. She participated in the bombing exercises of the ex-German ships *Frankfort* and *Osterfriesland*.

In September 1921 she was assigned the duty of bringing home for burial in Arlington Cemetery the Unknown Soldier, representative of the heroes of the American forces of the World War. She left the Philadelphia Navy Yard on this mission on October 3,

1921, reaching Plymouth October 16. She arrived at the Washington Navy Yard on November 9, 1921, with the Unknown Soldier, where she was met by representatives of the Army and Navy, and the other services.

In 1922 the *Olympia* was placed out of commission.

During the sesquicentennial exposition visitors to the exposition were admitted to the *Olympia* as part of the Navy's exhibit at the celebration.

PUBLIC DOMAIN LANDS IN NEVADA AND OREGON

The Clerk called the next bill, H. R. 4126, to reserve certain public-domain lands in Nevada and Oregon as a grazing reserve for Indians of Fort McDermitt, Nev.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. This involves a large tract in my district and I want to know the effect of it.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINES

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 138, the bill (H. R. 6800) authorizing the construction of buildings for the United States High Commissioner to the Government of the Commonwealth of the Philippine Islands. I objected to this bill awhile ago and I now desire to withdraw my objection under the facts as explained to me.

Mr. TRUAX. Mr. Speaker, reserving the right to object, is this the bill that provides \$1,000,000 for the construction of buildings for an embassy building in the Philippine Islands?

Mr. McFARLANE. Yes.

Mr. TRUAX. Does the gentleman think the amount is all right?

Mr. McFARLANE. I withdraw my objection in order that the chairman of the committee may explain same.

Mr. TRUAX. I am asking the gentleman from Texas.

Mr. McFARLANE. I think we ought to hear a full explanation of the bill and I am withdrawing my objection for that purpose.

Mr. TRUAX. Would the gentleman be willing to reduce the amount to \$500,000?

Mr. KOCIALKOWSKI. Yes; I will do that.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROBSION of Kentucky. Mr. Speaker, I object.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to return to Calendar No. 144, the bill (H. R. 5731) to amend in certain particulars the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve", as amended, and for other purposes.

Mr. TRUAX. Mr. Speaker, I object to returning to any bills at this time. We have a long calendar before us and it is not fair to the other Members.

ALLEGANY, CATTARAUGUS, AND OIL SPRING INDIAN RESERVATIONS

The Clerk called the next bill, H. R. 5069, to repeal the act entitled "An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations", approved January 5, 1927.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. There is a similar Senate bill on the desk (S. 1942), and, without objection, the Clerk will report the Senate bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act entitled "An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus,

and Oil Spring Indian Reservations", approved January 5, 1927 (44 Stat. L. 932), is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5069) was laid on the table.

THE N. R. A., THE SUPREME COURT, AND WHAT NEXT?

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, last Monday the Supreme Court of the United States dealt a decisive blow to the new deal. It handed down two decisions which will vitally affect the immediate and future legislation and indeed the fate of the United States.

These decisions have raised fundamental issues concerning the Government of the United States, a solution of which will have a determining influence on the future course of this Nation. In one decision the Supreme Court declared the act of Congress establishing the N. R. A. unconstitutional; in the second decision it vetoed another act of Congress granting a moratorium to farmers against mortgage foreclosures.

WHAT WAS THE PURPOSE OF THE N. I. R. A.?

In order to understand the deep significance of the decision voiding the N. R. A., we must, for a moment, recall the conditions which brought about the enactment of the National Industrial Recovery Act.

In the spring of 1933 there were about 13,000,000 people totally unemployed and between 6,000,000 and 8,000,000 partially unemployed.

The depression had reached its peak. The industrial and commercial life of the country was at a low ebb.

The National Industrial Recovery Act was passed by Congress and under it the N. R. A. was established by the President to give employment to millions of jobless, to reduce the hours of labor, to abolish sweatshops, to increase the pay of employees throughout the land. In short, the N. R. A. was established to give new life and vigor to industry and commerce and to salvage the Nation from the wreckage of the Hoover era.

We all remember the days when the N. R. A. started. We have lived through them, and everyone of us can testify to the tremendous impetus which it gave toward recovery.

The N. R. A. had important defects, that should and would have been corrected. It had beneficial and far-reaching effects and gains which should be maintained but which now seem lost.

And now comes the Supreme Court and says that the Congress of the United States, in cooperation with the President of the United States, does not have the power to reduce the hours of labor, to increase wages, to eliminate child labor, and to regulate commerce and industry for the benefit of this Nation. The Supreme Court says that the N. R. A. is invalid under the terms of the United States Constitution.

THE CONSTITUTION WAS DRAWN UP IN 1787

The Constitution was written 148 years ago. It was designed to fit the needs of 13 agricultural States which had just fought a successful war for independence and which were jealous to maintain their sovereignty and the power and privileges of each individual State.

Conditions in those days were entirely different in every respect from those of today. At that time it took several days to go from nearby Virginia to the District of Columbia. Now you can fly by a fast plane from Pittsburgh to Washington in less than 1 hour, and you can fly from California to New York, 3,000 miles, in 12 hours.

In 1787 all trade, with insignificant exceptions, was within the borders of the State and without influence upon the welfare of the other States. Today, when the price of an automobile is changed in the city of Detroit the wages and therefore the well-being of a steel worker in Pittsburgh are vitally affected.

While little trade flowed down the Mississippi River in the days when the Constitution was written, today hundreds of

thousands of miles of railways, of concrete highways, of canals, and even of airplanes carry millions of tons of freight from one State to the other.

THE COMPLEX STRUCTURE OF MODERN TRADE AND INDUSTRY HAS
OBLITERATED STATE LINES

While in 1787 each State was self-sustaining and bad times in Virginia were of no effect in Pennsylvania, today cheap cotton in the deep South throws the steel worker in Pittsburgh, the textile worker in Massachusetts, as well as the coal miner from Pennsylvania or Kentucky, out of their jobs.

There is a far cry from 1787 to 1935. The comparison between the horse and buggy of then and the streamlined airplanes of today does not give an adequate comparison between the days when the Constitution was adopted and our modern times. Then there was an agricultural society. Today we are living in a system of industrial mass production. Even this change in the mode of producing and caring for our needs, standing alone, is not sufficient to adequately stress the differences of the times.

Progress has been made in every field of human activity. Commerce, industry, and science have gone forward because they have been free to take advantage of every invention and improvement. The science and business of government must not be chained to the past—it must not be halted in its onward march to a better day.

THOSE WHO DREW UP THE CONSTITUTION LOOKED FORWARD TO CHANGE

The Constitution, written by the founders of this Nation, was a great and forward-looking document. It laid the foundation for the development of the greatest and most powerful Nation that history has ever known.

However, now the Supreme Court has decided that the Constitution does not give to the Congress the power to legislate on matters of national importance—that the Congress does not have the power to pass laws on economic and social conditions—laws which must be passed to safeguard the life and the health of the people of the United States, and to create a sound basis for our economic life.

Believing that the Supreme Court would interpret the Constitution in the light of the conditions of 1935, constitutional lawyers of deep learning considered the N. R. A. constitutional. But the Court found otherwise. The Congress and the President will, of course, accept the decision of the Court. Henceforth the Congress will make doubly sure, before it passes an act, that it meets the terms of the Constitution.

The N. R. A., as we have known it, is dead. And now what next?

CONGRESS MUST SAVE THE GAINS OF N. R. A.

The Congress can and should at once proceed to enact laws to fix maximum hours of labor, minimum wages, to eliminate child labor, and to outlaw unfair trade practices. I hold that under the decisions concerning the N. R. A. and other previous decisions of the Supreme Court, the Congress has the constitutional power to do so, but only insofar as they relate to commerce between the States and with foreign nations. Under these decisions such legislation could not aid the men who work in the steel mills of Pittsburgh, the men who mine the coal, or the girls who sell goods over the counter. Under these decisions such legislation could not eliminate the sweatshop or abolish the labor of children in the cotton fields of the South or the shirt factories of the North. The Congress, I say, has the power to pass these laws, but they will only apply to a small part of the working population of the United States; they will only apply to those who are directly engaged in commerce between the States and with foreign countries. Under these decisions of the Supreme Court the Congress has no power to pass laws for the regulation of business and industry which will bring economic recovery and guarantee to the wage earner a decent living wage and fair working conditions. Chiselers who operate within the boundaries of a single State may now do so without fear of punishment and without concern over any law that Congress might pass.

A GREAT ISSUE HAS ARISEN

I predict that the decision of the United States Supreme Court in the N. R. A. case has created an issue which will loom as one of the major factors in the Presidential election of next year. The people of the United States will have to determine the question whether the Constitution of the United States shall be amended so as to give the power to the Congress to pass national laws which will assure economic and social well-being to the people of the United States, laws which will permit the Congress to fix minimum wages, maximum hours of labor, eliminate child labor, and remove the chiseler and his unfair trade practices from the scene of commercial activities in the United States. The people will have to decide that question, and not the Congress nor the President nor the courts.

THE RULERS OF THIS COUNTRY—THE PEOPLE OF THE UNITED STATES—
MUST THEMSELVES MAKE THE DECISION

The people of the United States are the judges, they are the court of last resort. They will have to decide the powers of Congress. The decision now lies with them. The question whether the Constitution should remain in its present form or whether it should be amended is a question which the people and not the Congress nor the President must decide.

CONSENT CALENDAR

ZUNI INDIAN RESERVATION, N. MEX.

The Clerk called the next bill, H. R. 6141, transferring certain national-forest lands to the Zuni Indian Reservation, N. Mex.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SHOALWATER INDIAN RESERVATION, WASH.

The Clerk called the next bill, H. R. 6236, to authorize the creation of an Indian village within the Shoalwater Indian Reservation, Wash., and for other purposes.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ZIONCHECK. Mr. Speaker, I object to that request at this time.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX. I object, Mr. Speaker.

NAVAJO INDIAN RESERVATION, N. MEX.

The Clerk called the next bill, H. R. 6543, to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. BURDICK. Mr. Speaker, I object to that request.

Mr. TRUAX. Then, Mr. Speaker, I object to the consideration of the bill.

TO CARRY OUT OBLIGATIONS UNDER CERTAIN TRIBAL AGREEMENTS

The Clerk read the bill (H. R. 4324) to carry out certain obligations under certain tribal agreements.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any person duly enrolled as a member of an Indian tribe, who received, in pursuance of a tribal treaty, agreement with the United States or act of Congress, an allotment of land, which by the terms of said treaty or agreement was exempt from taxation, and from which land the restrictions have been or have not been removed, and who was permitted or required, contrary to the law, to pay any illegal or unauthorized Federal inheritance tax or Federal income tax on the rents, royalties, or other gains arising from any allotted lands, and who would be entitled, under the law and rulings of the Treasury Department in similar Indian cases, to a refund of taxes so illegally or erroneously collected, but for the fact that he failed to file a claim for refund within the time prescribed by law, shall be allowed 1 year after the approval of this act within which to file such claim, and if otherwise entitled thereto, may recover such illegal taxes in the same manner and to the same extent as if such claim for refund had been theretofore duly filed, as required by law, it not being the policy of the Government to invoke or plead a statute of limitations to escape the obligation or agreements solemnly entered into with its Indian wards: *Provided,* That in the event a refund has

been paid to any person duly enrolled as a member of an Indian tribe, but who did not receive interest on such refunds in accordance with the laws and regulations in force at the time the refund was secured and who has failed to file a claim for the allowance of such interest, he shall be allowed 1 year after the approval of this act within which to file such claim, and, if otherwise entitled thereto, may recover such interest on such illegally collected taxes in the same manner and to the same extent as if such claim for interest had been theretofore duly filed as required by law: *Provided, however*, That in the case of the death of a member of an Indian tribe that his heirs who succeeded to his allotment of land be permitted to file claims and recover refunds or interest on refunds in the same manner as a duly enrolled member of an Indian tribe: *Provided further*, That in the case of the death of any enrolled member of an Indian tribe, any such illegal taxes paid by him or on his account, or interest claims due him, may, in like manner, be claimed and recovered by the person or persons who would have received such money, had it constituted a part of his estate at the time of his death.

Sec. 2. That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into effect the provisions hereof.

With the following committee amendment:

On page 2, line 10, strike out the word "if" and insert the word "it."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

YAVAPAI INDIANS

The Clerk called the next bill on the Consent Calendar, H. R. 6435, to transfer certain lands from the Veterans' Administration to the Department of the Interior for the benefit of the Yavapai Indians, Arizona.

There was no objection to the consideration of the bill, and, by unanimous consent, the bill (S. 1469) was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That jurisdiction over that tract of land, identified under a metes-and-bounds description beginning at the intersection of the west boundary line of the former Whipple Barracks Military Reserve and the south line of section 28 in township 14 north, range 2 west, Gila and Salt Lake meridian, Ariz., thence northwesterly along said west boundary line 880; thence northeasterly at right angles 1,760 feet; thence southeasterly parallel with the said west boundary line 1,760 feet; thence southwesterly at right angles 1,760 feet; thence northwesterly along said west boundary line 880 feet to point of beginning, containing approximately 75 acres, is hereby transferred from the Veterans' Administration to the Department of the Interior, and the title to said described lands shall remain in the United States in trust for the Yavapai Indians.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The bill (H. R. 6435) was laid on the table.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to return to Calendar No. 144, H. R. 5731, to amend in certain particulars the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, maintenance of a Naval Reserve and a Marine Corps Reserve", for the purpose of asking that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Now, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

There was no objection.

AMENDING AN ACT ENTITLED "AN ACT TO SET ASIDE RICE LAKE FOR EXCLUSIVE USE OF CHIPPEWA INDIANS, MINNESOTA"

The Clerk called the next bill on the Consent Calendar, H. R. 6963, to amend an act entitled "An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota," approved June 23, 1926, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. BOILEAU. Reserving the right to object, at the present time the Power Commission is considering an application which affects these particular lands, and for that rea-

son I ask unanimous consent that the bill be passed over without prejudice.

Mr. WOLCOTT. Reserving the right to object, I hope in the interim the committee will observe the Ramseyer rule. I notice that the report does not conform with the Ramseyer rule, and I shall object to it if it comes up again unless the rule is observed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

CONSENT CALENDAR

KANOSH BAND OF INDIANS, UTAH

The Clerk called the next bill on the Consent Calendar, S. 380, to reserve 80 acres on the public domain for use and benefit of the Kanosh Band of Indians in the State of Utah.

The SPEAKER pro tempore. Is there objection?

Mr. GRISWOLD. I object.

CHIPPEWA INDIANS, RED LAKE BAND OF MINNESOTA

The Clerk called the bill (H. R. 4123) providing for the payment of \$25 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal timber fund on deposit to the credit of the Red Lake Band of the Chippewa Indians of the State of Minnesota and to make therefrom payment of \$25 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota, immediately payable upon the passage of this act under such regulations as such Secretary shall prescribe. No payment shall be made under this act until the Chippewa Indians of the Red Lake Band of Minnesota shall, in such manner as the Secretary shall prescribe, have accepted such payments and ratified the provisions of this act. The money paid to the Indians under this act shall not be subject to any lien or claim of whatever nature against any of said Indians.

With the following committee amendment:

Page 1, line 7, strike out "\$25" and insert "\$15."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill providing for the payment of \$15 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States."

PROTECTION OF AMERICAN AND PHILIPPINE LABOR

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to return to Calendar 120, H. R. 7348, to protect American and Philippine labor and to preserve an essential industry, and for other purposes, for the purpose of asking that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to return to Calendar No. 120 for the purpose of asking that the bill be passed over without prejudice. Is there objection?

Mr. KNUTSON. Mr. Speaker, for the time being I object.

REPAIR AND MAINTENANCE OF INDIAN RESERVATION ROADS

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to call up for present consideration Senate Joint Resolution 130, making immediately available the appropriation for the fiscal year 1936 for the construction, repair, and maintenance of Indian-reservation roads, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate Joint Resolution 130

Resolved, etc., That the appropriation of \$4,000,000 for the construction, repair, and maintenance of Indian-reservation roads, contained in the Interior Department Appropriation Act for the fiscal year ending June 30, 1936, is hereby made immediately available.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman explain the bill?

Mr. BUCHANAN. Mr. Speaker, the Interior Department appropriation bill has been passed and has become a law. It carries \$4,000,000 for public roads to Indian lands and on Indian reservations. That money is not available until the commencement of the next fiscal year. These poor Indians have run out of relief money and work and we want to make the \$4,000,000 available so that they can be put to work on the public roads in Indian reservations and roadways.

Mr. MARTIN of Massachusetts. I have no objection. I understand that the committee is unanimously for the bill.

Mr. BACON. The committee is unanimous. This does not affect the appropriation but makes it immediately available.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

OSAGE INDIAN DRUG AND LIQUOR ADDICTS

The Clerk called the bill (H. R. 6625) conferring jurisdiction on United States district courts over Osage Indian drug and liquor addicts.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve the right to object. As I read the bill, it proposes to take 175 Indian addicts of drugs and liquor and confine them in Government institutions at Government expense. We have thousands of habitual drunkards and drug addicts who are American citizens. Nothing is being done for them; they are not being taken care of at Government hospitals. Why should this be done for 175 Indians?

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. TRUAX. Yes.

Mr. DISNEY. If there is jurisdiction over an addict, and he gets into a Federal court, he will be confined in a Government institution. It is estimated, as I understand it, that there are about 175 addicts among the Osage Indians. They are chiefly full bloods and of the higher degree of blood, and the misery of that situation is terrible.

Mr. TRUAX. Is it any worse than our own citizens who are similarly affected?

Mr. DISNEY. Yes. I have lived among the Indians and know they are worse.

Mr. TRUAX. Many Americans love liquor also, as their votes for repeal of prohibition indicated.

Mr. DISNEY. Not so much so. Many Indians are particularly addicted to liquor and drugs, and by this method the Federal court could take charge of them and send them to these institutions.

Mr. TRUAX. How much money would be required?

Mr. DISNEY. I do not think it is at all expensive.

Mr. TRUAX. Would the gentleman be willing to find out?

Mr. DISNEY. There will be no special fund set aside. The Government has established agencies to take care of these addicts, we have penal institutions to take care of them. There is a special department of the Government by which they may be taken care of. I hope in the interest of the finest type of humanity that the gentleman will not object.

Mr. TRUAX. The point I make is that we have exactly the same condition existing here and have had for years, and we are doing nothing about it. Why do we not do something for our own people?

Mr. DISNEY. If the addict comes within Federal jurisdiction—

Mr. TRUAX. Oh, they all come under Federal jurisdiction, or they ought to.

Mr. DISNEY. If they are committed by Federal courts, then they can be sent to the institutions.

Mr. TRUAX. Will the gentleman agree to pass this bill over without prejudice?

Mr. DISNEY. I will agree, but I wish the gentleman would not ask that.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. DISNEY. Reserving the right to object, a member of the committee has advised me that if the Indian has funds, the Federal court can make the Indian pay his own way in the institution. Every Osage Indian has funds of his own.

Mr. TRUAX. But you would have a little war started out there, if you tried to put some of those fellows in an institution.

Mr. ZIONCHECK. What does the gentleman say about this particular paragraph in Secretary Ickes' letter?—

For the past several years it has been the policy to have these Indians voluntarily attend sanatoriums for periods of from 3 to 6 months in an effort to cure them, and many of them have spent considerable money in repeated trips to such sanatoriums for treatment. In practically every instance the Indian, on his return from the sanatorium, continued the use of liquor or narcotics.

If they go there voluntarily and spend their money to be cured and then go back and return to those habits, how does the gentleman expect to stop it by compulsory confinement?

Mr. DISNEY. The answer is that the Federal court can put him on probation.

Mr. TRUAX. But they cannot cure him any more than they can cure anybody else.

Mr. DISNEY. We can hospitalize him and put him on probation, and then the Federal court does have charge of him to the extent that they can enforce the cure as nearly as humanly possible. Of course, we do not expect any miracles to happen, but they do deserve attention. Where they pay the bills and always have paid the bills, it seems to me we ought to pass this legislation.

Mr. TRUAX. Mr. Speaker, I renew my request that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PAYMENT TO OSAGE TRIBE OF INDIANS ON ACCOUNT OF LANDS SOLD BY THE UNITED STATES

The Clerk called the next bill, H. R. 6682, authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACON. Mr. Speaker, I object.

Mr. DISNEY. Will the gentleman withhold his objection in order that I may make a brief statement?

Mr. BACON. I will be glad to withhold the objection.

Mr. DISNEY. I will state the facts about this fund. About 50 years ago the Government deliberately took away from the Osage Indians \$778,000 and spent it on other Indians of other Indian tribes by virtue of a treaty made with full-blood Osage Indians who did not understand English. Of that large sum of money—and they are not asking for interest on it—the Government returned to the Osages \$189.20, not any more, not any less. This bill is to reimburse the Indians for money deliberately taken from them by the Indian Department, and to return to them their money, from the proceeds of land which was theirs and which was sold by the Government and put into the Government coffers. To save the Government money it was spending on other Indian tribes that were dependent upon the Government for their sustenance. In that connection let me call the attention of the Members of the House to the fact that in all the history of the Osage Tribe the Government has never spent one red cent upon those Indians. They have always paid their way. Not a word in the history of the whole tribe can be found where the Government has ever spent a 5-cent piece upon the maintenance of the Osage Indians.

I hope the gentleman will withdraw his objection.

The SPEAKER pro tempore (Mr. McREYNOLDS). Is there objection to the present consideration of the bill?

Mr. BACON. Mr. Speaker, this bill is in conflict with the President's financial program and has the express disapproval of the Director of the Budget. As a member of the

Committee on Appropriations I propose to try to protect the President's financial program, and I shall object.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to return to Calendar No. 108, H. R. 5360.

Mr. TRUAX. Mr. Speaker, I object to any return at this time.

Mr. BURDICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURDICK. Is one objection to these bills sufficient to stop action on them?

The SPEAKER pro tempore. Only one objection is required.

Mr. BURDICK. Then we will not do any more business today.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

CANAL ZONE CODE

The Clerk called the next bill, H. R. 6719, to amend the Canal Zone Code.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BURDICK. Yes, Mr. Speaker. I object.

Mr. BLAND. Will the gentleman withhold his objection for a moment?

Mr. BURDICK. Yes; I will withhold it.

Mr. BLAND. Mr. Speaker, this bill comes from the Canal authorities. The second section of the bill involves a very serious question to the employees of the Panama Canal. Since 1914 the interpretation of the act has permitted commutation. Under the decision of the Comptroller recently it was held that they could not commute it.

The Comptroller realized the injustice and the hardship to these people, so he has agreed to withhold the enforcement of this opinion until July 1, 1935, and it is necessary to get the bill through in order to do justice. That is the second section. The other sections just bring the Civil Service in line. All the amendments are recommended by the Department.

Mr. BURDICK. Mr. Speaker, in answer to the gentleman, I want to say that there is no valid reason why I should press this objection, but it is the only way I can show my disapproval of the action taken on the Indian bills. For 150 years Congress has done this same thing.

Mr. BLAND. Will not the gentleman withdraw his objection?

Mr. BURDICK. Mr. Speaker, I withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That chapter 1 of title 2, Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), is amended by adding at the end thereof a new section numbered 13 and reading as follows:

"13. Disposition of useless papers: The Governor of the Panama Canal, under such regulations as he may prescribe, may authorize the destruction or disposal by other means of duplications in the files and other papers which are not needed or useful in the transaction of the current business of the Panama Canal and have no permanent value or historical interest."

Sec. 2. That section 81 of title 2 of the Canal Zone Code is amended to read as follows:

"Sec. 81. Appointment, removal, and compensation of necessary persons: All persons, other than the Governor of the Panama Canal, necessary for the care, management, maintenance, sanitation, government, operation, and protection of the Canal and Canal Zone shall:

(a) Be appointed by the President or by his authority;
(b) Be removable at the pleasure of the President; and
(c) Receive such compensation as shall be fixed by the President or by his authority until such time as Congress may by law regulate the same; and such persons shall be employed and shall serve under such conditions of employment, including matters relating to transportation, medical care, quarters, leave and the commutation thereof, and office hours and hours of labor, as have been or shall hereafter be prescribed by the President: *Provided, however,* That salaries or compensation fixed by the President hereunder shall in no instance exceed by more than 25 percent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States."

Sec. 3. That the first paragraph of subsection (b) of section 94 of title 2, Canal Zone Code, is amended to read as follows:

"(b) Any employee to whom this article applies who shall have served for a total period of not less than 5 years, and who, before becoming eligible for retirement under the conditions defined in

section 92 of this title, shall have become totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon request or order of the Governor of the Panama Canal, be retired on an annuity computed in accordance with the provisions of section 96 of this title: *Provided,* That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than 5 years next prior to becoming so disabled for useful and efficient service shall not be required in any case; and any claim heretofore disallowed under this section by reason of the requirement of such proof with respect to a longer period than 5 years, shall upon request of the applicant be reinstated, and shall thereupon be redetermined under the provisions of the section as herein amended."

Sec. 4. That paragraph (c) of section 101 of title 2, Canal Zone Code, is amended to read as follows:

"(c) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in paragraph (2) of section 96 of this title an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit and any accrued annuity shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries designated in writing by such annuitant and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such annuitant;

"Third, if there be no such beneficiary, or executor or administrator, payment may be made, after the expiration of 30 days from the date of the death of the annuitant, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person."

"In the case of an annuitant who has elected to receive an increased annuity as provided in section 96 of this title, the amount to be paid under the provisions of this paragraph shall be only the accrued annuity."

Sec. 5. That paragraph (d) of section 101 of title 2 of the Canal Zone Code is amended to read as follows:

"(d) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries designated in writing by such employee and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such employee;

"Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of 30 days from the date of the death of the employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person."

Sec. 6. That paragraph (e) of section 101 of title 2 of the Canal Zone Code is amended to read as follows:

"(e) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed \$1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of 30 days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person."

Sec. 7. That paragraph (f) of section 101 of title 2 of the Canal Zone Code is amended to read as follows:

"(f) Each employee or annuitant to whom this article applies may, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries to whom shall be paid, upon the death of the employee or annuitant any sum remaining to his credit (including any accrued annuity) under the provisions of this article."

Sec. 8. That section 142 of title 2 of the Canal Zone Code is amended to read as follows:

"142. Punishment of persons deported from Canal Zone who return thereto: Any person who voluntarily returns to the Canal Zone after having served a sentence of imprisonment therein and after having been deported therefrom, shall:

"(a) Be punished by imprisonment in the penitentiary for not more than 2 years; and

"(b) Be removed from the Canal Zone upon the completion of his sentence, in accordance with the laws and orders relating to deportation."

"A voluntary entry into the Canal Zone for any purpose shall be sufficient to constitute a return to the Canal Zone within the meaning of this section: *Provided,* That the Governor of the Panama Canal, in his discretion, by permit or regulations, may authorize persons deported from the Canal Zone to pass through or to return temporarily to the Canal Zone, and he may prescribe the route over which such persons shall be required to travel while in the Canal Zone. Any person who violates the terms of such permit or the regulations authorized herein, or remains in

the Canal Zone after the expiration of such permit, shall be deemed guilty of violation of this section and punished as provided herein."

Sec. 9. That section 158 of title 2 of the Canal Zone Code is amended to read as follows:

"158. Small vessels propelled by machinery; registration, certification, and numbering; licensing of operators; fines: Vessels not more than 65 feet in length, measuring from end to end over the deck, excluding sheer, and propelled in whole or in part by machinery, shall be registered, certificated, and numbered, and shall display the numbers assigned in a conspicuous place in prescribed form. Such vessels shall be subject to annual inspection, and the certificate referred to herein shall be issued for a term of 1 year and shall specify the number of passengers which the vessel may carry and the number of life preservers and the fire-fighting apparatus and other equipment which the vessel shall carry.

"No such vessel shall be operated except by a person holding an operator's license, issued after examination by the board of local inspectors and approved by the marine superintendent or such other officer of the Panama Canal as may be designated by the Governor.

"Any person who as owner, hirer, or borrower of any such vessel shall cause or permit it to be operated in Canal Zone waters in violation of any of the requirements of this section or of the certificate issued hereunder shall be liable to a fine of not more than \$100: *Provided, however,* That this section shall not apply to tugboats or towboats propelled by steam."

Sec. 10. That section 159 of title 2 of the Canal Zone Code is amended to read as follows:

"159. Small vessels not propelled by machinery; registration and numbering; fines: Vessels not more than 65 feet in length and not propelled in whole or in part by machinery shall be registered and numbered, and when numbers have been assigned they shall be displayed in a conspicuous place in prescribed form. Any person who as owner, hirer, or borrower of any such vessel shall cause or permit it to be operated in Canal Zone waters in violation of any of the requirements of this section shall be liable to a fine of not more than \$100."

Sec. 11. That section 160 of title 2 of the Canal Zone Code is hereby repealed.

Sec. 12. That section 603 of title 5 of the Canal Zone Code is amended to read as follows:

"603. Vagrants, beggars, loiterers, and intoxicated persons; disorderly conduct; breach of peace: Every vagrant or person found within the Canal Zone without legitimate business or visible means of support;

"(b) Every mendicant or habitual beggar found within the Canal Zone;

"(c) Every person found within or loitering about any building or structure, or any vessel, railroad car, or storage yard, without due and proper authority or permission so to be; or peddling goods or merchandise about any laborers' camp or messhouse during hours when laborers are ordinarily employed at work, or in or about places where groups of men are at work;

"(d) Every person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety or of the safety of others; and

"(e) Every person who shall, in the Canal Zone, engage in any kind of disorderly conduct or breach of the peace;

"Shall be punished by a fine of not more than \$25, or by imprisonment in jail for not more than 30 days, or by both."

Sec. 13. That section 876 of title 5 of the Canal Zone Code is amended to read as follows:

"876. Offenses and punishment thereof: Any person who—

"(a) Carries on or about his person any of the arms mentioned in section 871 of this title without authority under this chapter;

"(b) Engages in hunting without first obtaining the permit provided for in this chapter; or

"(c) After obtaining a hunting permit, engages in hunting in violation of provisions of this chapter or any rule or regulation established by the Governor hereunder;

"Shall be guilty of a misdemeanor; and any arms carried in violation of paragraph (a) of this section may be seized, and the court may order their confiscation and destruction. Penalties for violations of this chapter shall be in addition to any punishment which may be imposed upon the offending person for any other offense that he may have committed in connection with the carrying or using of arms in violation of this chapter."

Sec. 14. That section 132 of title 6 of the Canal Zone Code is amended to read as follows:

"132. Manner of taking appeal: An appeal from the judgment of a magistrate's court may be taken and perfected by the defendant by giving oral or written notice in court of his intention so to do at any time within 5 days after judgment is rendered."

With the following committee amendments:

Page 2, line 8, strike out the letters "semitation" and insert in lieu thereof the word "sanitation."

Page 8, line 22, strike out all of line 22 and the first two words of line 23 and insert in lieu thereof the following: "This section shall not apply to public vessels of the United States or of the Republic of Panama, or to tugboats or towboats propelled by steam."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBSTITUTE LABORERS, POSTAL SERVICE

The Clerk called the next bill, H. R. 7709, to provide time credits for substitute laborers in the Post Office when appointed as regular laborer.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee whether the Department has approved this bill.

Mr. MEAD. Mr. Speaker, I will say to the gentleman from Ohio that this bill originally was approved by the Department. Since that time the committee has amended the bill in conformity with the Department's recommendation pertaining to other bills on the assumption that the uniform policy adopted by the committee would likewise meet with their approval so far as it pertains to this bill.

Mr. TRUAX. Then the bill does meet with approval of both the Department and the employees affected?

Mr. MEAD. Yes; it was approved by the Department.

Mr. TRUAX. Mr. Speaker, I am in favor of the bill. I withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That substitute laborers, substitute watchmen, and substitute messengers in the Postal Service shall be paid for services actually performed at the rate of 55 cents per hour, and when appointed to the position of regular laborer, watchman, or messenger, respectively, the substitute service performed shall be included in eligibility for promotion to grade 2 on the basis of 265 days of 8 hours constituting a year's service. Effective at the beginning of the first quarter following approval of this act, all laborers who have not progressed to grade 2 shall be promoted to that grade provided they have the necessary credit of 265 days of 8 hours each constituting a year's service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMINISTRATION OF FEDERAL PRISONS

The Clerk called the next bill, H. R. 3430, to amend the act approved May 14, 1930, entitled "An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails; and for other purposes."

Mr. TRUAX. Mr. Speaker, reserving the right to object, I would like the chairman of the committee to explain this bill.

Mr. UTTERBACK. Mr. Speaker, the purpose of the bill is simply to make escape or attempt to escape when a person is under lawful arrest on a Federal charge before conviction a crime. This is a Department of Justice bill. The report of the committee was unanimous.

There is an amendment to the bill which makes it a felony if the charge is a felony and a misdemeanor if the charge is a misdemeanor. The original bill made every escape or attempt to escape a felony, but the committee amendment modifies it as I have indicated.

Mr. TRUAX. The man has not even been tried for the crime, may be entirely innocent of the crime, but if he attempts to escape he is to be found guilty of a crime.

Mr. UTTERBACK. It makes escape or attempt to escape a crime.

Mr. ZIONCHECK. The present law makes escape or attempt to escape a felony, whether the charge on which the man is being held is a misdemeanor or a felony.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROMOTION OF SUBSTITUTE POSTAL EMPLOYEES

The Clerk called the next bill, H. R. 7688, to provide for the appointment and promotion of substitute postal employees, and for other purposes.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CREDIT TO CERTAIN INDIAN TRIBES

The Clerk called the next bill, S. 1531, to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works.

Mr. BACON. Mr. Speaker, I object.

AMENDMENT OF BANKRUPTCY LAW

The Clerk called the next bill, H. R. 5452, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

Mr. HANCOCK of New York. Mr. Speaker, I object.

PROMOTION OF SUBSTITUTE POSTAL EMPLOYEES

Mr. MEAD. Mr. Speaker, by inadvertence the bill (H. R. 7688) to provide for the appointment and promotion of substitute postal employees was passed over without prejudice.

Mr. Speaker, I ask unanimous consent to return to this bill and that it may be considered at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk called the bill (H. R. 7688) to provide for the appointment and promotion of substitute postal employees, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That substitute post-office clerks, substitute city-delivery carriers, substitute railway postal clerks, and substitute laborers in the Postal Service, after 1 year from date of appointment as a substitute, shall be advanced to the grade of senior substitute and paid for service actually performed at the rate of 10 percent above the basic rate of pay for substitutes fixed by law until appointed a regular employee, and when appointed a regular employee shall receive credit on the basis of 1 year for each 265 days of 8 hours' actual service performed as a substitute, including time served as special-delivery messenger, and shall be appointed to the grade to which such employee would have progressed had his original appointment been to grade 1, and in the advancement of substitutes to the grades provided credit shall be given for past service. Any fractional part of a year's service shall be included within his service as a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position. With respect to advancement to the grade of senior substitute, time elapsed prior to the enactment of this act may be counted, but no back pay shall be allowed in connection with such advancement for any service prior to the enactment of this act.

SEC. 2. All substitute postal employees in the classified civil service, including substitutes in the motor-vehicle service, shall be granted the annual and sick leaves with pay granted other postal employees and under the same conditions.

SEC. 3. The ratio of substitute post-office clerks, substitute city letter carriers, substitute village letter carriers, substitute laborers, and substitutes in the motor-vehicle service in any post office, to regular post-office clerks, city letter carriers, village letter carriers, watchmen, messengers, and laborers, and employees in the motor-vehicle service in said office, shall be not more than 1 substitute to 7 regular post-office clerks, city letter carriers, village letter carriers, laborers, or employees in the motor-vehicle service, except in offices having fewer than 7 regular post-office clerks, city letter carriers, village letter carriers, laborers, or employees in the motor-vehicle service; and the ratio of substitute railway postal clerks in any State, to regular railway postal clerks in said State, shall be not more than 1 substitute to 10 regular railway postal clerks: *Provided*, That where the ratio of substitute post-office clerks, city letter carriers, village letter carriers, railway postal clerks, and laborers, and substitutes in the motor-vehicle service on the date of enactment of this act is in excess of these ratios, no additional substitutes shall be appointed until these ratios are established: *Provided further*, That the provisions of this act shall not operate to furlough or dismiss (1) any regular or substitute post-office clerks, city letter carriers, village letter carriers, railway postal clerks, or laborers; or (2) any regular employees or substitutes in the motor-vehicle service now carried on the rolls of the Post Office Department.

With the following committee amendment:

Page 2, line 11, after the word "position", add the following: "With respect to advancement to the grade of senior substitute, time elapsed prior to the enactment of this act may be counted, but no back pay shall be allowed in connection with such advancement for any service prior to the enactment of this act."

The committee amendment was agreed to.

Mr. MEAD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 1, line 4, after the word "clerks", strike out the word "and", and in line 5, after the words "Postal Service", insert "and substitutes in the motor-vehicle service."

The amendment was agreed to.

Mr. STACK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STACK: Page 3, line 22, after the word "Department", insert a colon in lieu of the period and add: "*Provided further*, That on and after July 1, 1935, every vacancy existing or occurring in the Postal Service shall be filled by the appointment of a substitute to a regular position from the regularly appointed substitute list. A vacancy shall be considered to exist whenever an employee is separated from service by reason of death, resignation, retirement wherever the Post Office Department finds it necessary to use 6-hour auxiliary service each day to cover the position vacated or for any other cause."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SERVICE RENDERED BY PERSONNEL (ACTIVE OR RETIRED)

The Clerk called the next bill, H. R. 6512, to authorize the crediting of service rendered by personnel (active or retired) subsequent to June 30, 1932, in the computation of their active or retired pay after June 30, 1935.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRELIMINARY EXAMINATION OF SEBEWAING RIVER, MICH.

The Clerk called the next bill, H. R. 6829, authorizing a preliminary examination of Sebewaing River, in Huron County, Mich., with a view to the controlling of floods.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a Senate bill will be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Sebewaing River, in Huron County, Mich., with a view to the control of floods, in accordance with the provisions of section 3 of the act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6829) was laid on the table.

NATURALIZATION OF CERTAIN RESIDENT ALIEN WORLD WAR VETERANS

The Clerk called the next bill, H. R. 7170, to authorize the naturalization of certain resident alien World War veterans.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SUPERINTENDENTS AT CLASSIFIED POST-OFFICE STATIONS

The Clerk called the next bill, H. R. 1993, giving superintendents at classified post-office stations credit for substitutes serving under them.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TRUAX. Mr. Speaker, reserving the right to object, may I ask if this bill has the approval of the Post Office Department?

Mr. MEAD. Yes. In explanation of this bill may I say to the Members of the House that it will give to the supervisory officials in charge of postal substations credit for substitutes employed at the substations. For example, during recent years many regular assignments have been withheld and substitutes have been filling their places. The substation supervisory force receives no credit for the substitute service. The standing of the substation, which, according to the law, sets the salary of the superintendent, is based upon the number of employees working under him. And if the Department withholds regular assignments and appoints a number of substitutes in any given substation, it has a material and diminishing effect on the salary of the supervisor in charge of that station.

Mr. TRUAX. Does the Department approve the bill?

Mr. MEAD. The Department approves the bill.

Mr. TRUAX. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth paragraph of section 3 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustments, and for other purposes", approved February 28, 1925, as amended (U. S. C., title 39, sec. 93), is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and each 2,448 hours of time served by substitutes during the calendar year, including time served as special-delivery messengers, shall be considered as entitling a classified station to a credit of one employee."

With the following committee amendments:

On page 1, line 10, strike out the word "comma" and insert in lieu thereof the word "colon"; and on page 2, line 1, after the word "following" strike out the remainder down to and including the word "employee" in line 5, and insert in lieu thereof the following: "Provided, That in determining the number of employees at a classified station credit shall be allowed for service performed by regular employees, substitute employees, temporary employees, and special-delivery messengers assigned to the station, and for each 2,120 hours of service performed by such employees the station superintendent shall be allowed credit for one additional employee."

"Sec. 2. The second proviso of the first paragraph of section 4, the sixth paragraph of section 7, and the eighth and eleventh paragraphs of section 11 of the act entitled 'An act to reclassify the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes', approved February 28, 1925, as amended, are amended by striking out the words '360 days' wherever such words appear in such proviso and in each such paragraph, and inserting in lieu thereof the words '265 days.'"

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAILWAY POSTAL CLERKS

The Clerk called the next bill, H. R. 5723, to give certain railway postal clerks the same time credits for promotion purposes as were given others who were promoted on July 1 when automatic promotions were restored.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That those railway postal clerks assigned to terminal railway post offices who would have been in grade 5 on April 1, 1934, except for the suspension of automatic promotions by section 201 of the act of June 30, 1932, be promoted to grade 5 regardless of the provisions of the act of June 14, 1934 (Classification of Terminal Railway Post Offices).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EQUIPMENT ALLOWANCE TO THIRD-CLASS POSTMASTERS

The Clerk called the next bill, H. R. 5596, granting equipment allowance to third-class postmasters.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That on and after July 1, 1935, postmasters at third-class offices in which post-office fixtures and equipment are not provided by the Post Office Department shall be paid, as allowances for personally owned or rented post-office fixtures and equipment, an amount equal to 50 percent of the box rents collected at such offices, the allowances to be paid quarterly, under such rules and regulations as the Postmaster General may prescribe: *Provided,* That when post-office fixtures and equipment are furnished by the Post Office Department at post offices of the third class, the provisions of this act shall become inoperative.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAILING OF THREATENING LETTERS

The Clerk called the next bill, H. R. 6717, to amend section 1 of the act of July 8, 1932.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act of July 8, 1932 (47 Stat., ch. 464; U. S. C., title 18, sec. 338a), be amended to read as follows:

"Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, or shall knowingly cause to be delivered by the Post Office Establishment of the United States according to the direction thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any threat (1) to injure the person, property, or reputation of the addressee or of another or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse the addressee or any other person of a crime, or containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than 20 years, or both: *Provided,* That any person violating this section may be prosecuted in the judicial district in which such letter or other communication is deposited in such post office, station, or authorized depository for mail matter, or in the judicial district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in the judicial district in which it was caused to be delivered by the United States mail to the person to whom it was addressed."

With the following committee amendments:

Page 1, after the initial "C" in line 4, insert "Supp. VII."

Page 2, line 2, after the word "thereon", strike out the remainder of line 2 down to and including the word "addressed" on line 3.

Page 2, line 20, after the word "thereon", strike out the remainder of the paragraph.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the word "addressed", on page 2, line 5, of the bill may be corrected.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ASSAULT ON FEDERAL OFFICERS

The Clerk called the next bill, H. R. 7680, to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide punishment for killing or assaulting Federal officers", approved May 18, 1934 (48 Stat. 780; U. S. C., title 18, secs. 253 and 254), be and the same is hereby amended to read as follows:

"That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard,

any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, immigrant inspector, or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEAD-LETTER OFFICE OF THE POST OFFICE DEPARTMENT

The Clerk called the next bill, H. R. 6374, providing compensation for the Post Office Department for the extra work involved in the return of valuable packages from the dead-letter office to the writers.

The SPEAKER pro tempore (Mr. McREYNOLDS). Is there objection to the present consideration of the bill?

There was no objection.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 1539) be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 3936 of the Revised Statutes, as amended April 24, 1920 (41 Stat. 583; 39 U. S. C. 406), be amended to read as follows:

"The Postmaster General may regulate the period during which undelivered letters and parcels of the first class shall remain in any post office and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers when they cannot be delivered to the parties addressed. When letters and parcels of the first class are returned from the dead-letter office to the writers, a fee of 5 cents shall be collected at the time of delivery, and in addition a charge shall be made of the minimum registry fee for the return of all ordinary dead letters containing \$1 or more in cash, and parcels of the first class apparently valued at \$1 or more, under such rules and regulations as the Postmaster General may prescribe."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House bill, H. R. 6374, was laid on the table.

PERTH AMBOY, N. J.

The Clerk called the next bill, H. R. 5789, for the relief of the city of Perth Amboy, N. J.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXCHANGES OF LANDS IN NEW MEXICO

The Clerk called the next bill, H. R. 4541, to extend the provisions of section 2 of the act of February 28, 1925, authorizing reservations of timber, minerals, or easements to exchanges of lands in the State of New Mexico, under the act of February 14, 1923, and the act of February 7, 1929.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

VALIDATING CERTAIN APPLICATIONS FOR AND ENTRIES OF PUBLIC LANDS

The Clerk called the next bill, H. R. 4707, validating certain applications for and entries of public lands, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Ashel E. Caldwell, Salt Lake City 048547, for northwest quarter of northeast quarter, section 36, township 1

south, range 1 east, Uintah special meridian, Utah, upon compliance by Ashel E. Caldwell with the homestead laws of the United States: *Provided*, That in addition to the usual fees and commissions payable under existing laws, said entryman shall pay the sum of \$1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

Sec. 2. The Secretary of the Interior is hereby authorized and directed to allow John S. Dillon of Portland, Oreg., to make desert-land entry for west half of northwest quarter, northwest quarter of southwest quarter, section 20, township 18 south, range 44 east, Willamette meridian, The Dalles, Oreg.

Sec. 3. The Secretary of the Interior is hereby authorized and directed to accept the final proof submitted on October 25, 1930, on behalf of Joe Draper by his mother and guardian, Sarah E. Draper, in support of the homestead entry of Joe Draper, Phoenix 063049, as amended, for south half, section 27 and lots 1, 2, and 3, southeast quarter of northwest quarter, west half of northwest quarter, north half of southwest quarter, section 33, township 14 south, range 12 east, Gila and Salt River meridian, Arizona, and to issue patent for the entry in regular course.

Sec. 4. The homestead entry, Cass Lake 014741, made by Joseph Burnham on October 15, 1928, for southeast quarter of northwest quarter, section 20, township 144 north, range 34 west, fifth principal meridian, Minnesota, is hereby validated, and the Secretary of the Interior is hereby authorized and directed to accept the final proof submitted by Joseph Burnham in support of said homestead entry on December 20, 1933, and to issue patent for the entry in regular course.

Sec. 5. The homestead entry of George W. Turner, Santa Fe 063896, for south half of south, section 9 and north half, section 21, township 1 south, range 20 east, New Mexico meridian, New Mexico, allowed October 27, 1931, pursuant to an application filed April 16, 1931, is hereby validated.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I desire to call the Committee's attention to the first line on page 3, in which the word "accepted" appears. I think this should be "accept", should it not? It would then read "and the Secretary of the Interior is hereby authorized and directed to accept the final proof", and so forth.

Mr. DEROUEN. That is correct.

Mr. WOLCOTT. I think that is a typographical error and should be corrected.

I offer an amendment to that effect.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: On page 3, line 1, strike out the word "accepted" and insert in lieu thereof the word "accept."

The amendment was agreed to.

Mr. ROBINSON of Utah. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: At the end of the bill add the following new section:

"Sec. 6. The homestead entry, Cheyenne 052273, made by Ruble L. Jenkins on January 27, 1931, for east half of northeast quarter and northeast quarter of southeast quarter, section 19, and southwest quarter of northwest quarter of section 20, township 6 north, range 2 east, Wind River meridian, Wyoming, within the Shoshone Indian Reservation, is hereby validated, and the Secretary of the Interior is hereby authorized to accept the final proof submitted by Ruble L. Jenkins in support of said homestead entry, and to issue patent for the entry in regular course."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOT SPRINGS NATIONAL PARK, ARK.

The Clerk called the next bill, H. R. 6465, to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of an act of Legislature of the State of Arkansas, approved March 25, 1933 (no. 166), ceding to the United States jurisdiction over all lands now or hereafter included within the Hot Springs National Park, are hereby accepted, and the provisions of the act approved April 20, 1904 (33 Stat. 187), as amended by the acts of March 2, 1907 (34 Stat. 1218), and March 3, 1911 (36 Stat. 1086), relating to the Hot Springs Mountain Reservation, Ark., are hereby extended to all lands now or hereafter included within said park.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCEPTANCE FROM THE STATE OF UTAH OF TITLE TO CERTAIN STATE-OWNED LANDS, ETC.

The Clerk called the next bill, H. R. 6616, to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept on behalf of the United States a deed of reconveyance from the State of Utah of all of section 2, township 12 south, range 19 east, Salt Lake meridian, Utah, when accompanied by evidence showing unencumbered title in said State, and in exchange therefor the Secretary of the Interior is hereby further authorized to patent to the State of Utah other vacant, unappropriated public land, unreserved except by the Executive Order No. 6910 of November 26, 1934, whether mineral or non-mineral in character, of approximately equal area and value, to be used for the same purpose for which the lands so reconveyed were granted, and to be subject to the same conditions and limitations which applied to said reconveyed lands.

Sec. 2. That upon issuance of patent to the State for the land selected in exchange, the land reconveyed shall become a part of Naval Oil Shale Reserve No. 2, Utah No. 1, for the exclusive use or benefit of the United States Navy.

With the following committee amendment:

Page 2, line 2, strike out the words "and unreserved" and after the word "land" in line 3, on page 2, insert "unreserved except by the Executive Order No. 6910 of November 26, 1934."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING LAND FOR PARK, PARKWAY, AND RECREATIONAL AREA PURPOSES

The Clerk called the next bill on the Consent Calendar, H. R. 6594, to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof.

The SPEAKER pro tempore. Is there objection?

Mr. CULKIN. I object.

FORTY-HOUR WEEK FOR POSTAL EMPLOYEES

The Clerk called the next bill on the Consent Calendar, H. R. 6990, to fix the hours of duty of postal employees, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when the needs of the Service require supervisory employees, special clerks, clerks, and laborers in first- and second-class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service, to perform service on Saturday they shall be allowed compensatory time for such service on 1 day within 5 working days next succeeding the Saturday on which the excess service was performed: *Provided*, That employees who are granted compensatory time on Saturday for work performed the preceding Sunday or the preceding holiday shall be given the benefits of this act on 1 day within 5 working days following the Saturday when such compensatory time was granted: *Provided further*, That the Postmaster General may, if the exigencies of the Service require it, authorize the payment of overtime for service on the last three Saturdays in the calendar year in lieu of compensatory time: *And provided further*, That for the purpose of extending the benefits of this act to railway postal clerks, the service of said railway postal clerks assigned to road duty shall be based on an average not exceeding 8 hours per day for 254 days per annum, including a proper allowance for all service required on lay-off periods as provided in Post Office Department Circular Letter No. 1348, dated May 12, 1921, or not in excess of an average of 175 miles per day for 254 days per annum, and hours of service shall control until the daily average miles is exceeded; and railway postal clerks required to perform service in excess of an average of 8 hours per day or an average of 175 miles per day, as herein provided shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime. Excess mileage shall be converted into hours on the basis of the average hourly speed of the train and paid for at the pro rata hourly rate of pay. Line organizations shall be fixed to keep within the aggregate annual service provided herein except where it is to the interest of the public service to exceed the same in regular organization of the line. In such cases, only,

organizations in excess of these standards may be established and such excess service shall be credited and paid for as overtime. This act shall take effect July 1, 1935.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE A. A. A.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio speech delivered recently by my able colleague, Mr. EICHER, of Iowa.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WEARIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Representative EDWARD C. EICHER, Member from Iowa, broadcast over the radio on Saturday, June 1, 1935:

The subject of farm legislation is always of special interest to the people of Iowa and of the Middle West. I appreciate, therefore, the opportunity WHO is giving me to outline certain amendments to the Agricultural Adjustment Act that are now under consideration by the Congress, and to discuss the broader aspects of a permanent agricultural policy. The proposed amendments are, in my opinion, valuable additions to the existing authority of the Secretary of Agriculture, and I believe they will be enacted into law substantially as they may be reported by the committees. They represent a sincere effort to improve the emergency program that conditions in 1933 made necessary. We have gone for in the last 2 years and dare not surrender any of the progress that has been made until we are sure of something better to take its place. The friends of agriculture must continue, however, to give their best thought to solving, in the national interest, the difficulties that still surround us, and thus help speed the day when the goal of real equality for agriculture with industry will have been attained.

A few of the amendments are merely perfecting or clarifying in their nature, others will rewrite and probably eliminate most of the licensing powers, and still others provide authority to expand domestic and foreign markets and to remove surpluses. I shall summarize them briefly:

(1) Taxes and interest are to be reckoned in fixing parity prices. These items are not authorized to be considered in the original act and as taxes and interest now are about 160 percent of the 1909-14 level this amendment will have the effect of increased parity prices approximately 5 percent.

(2) The base period for wool and mohair is shifted to the post-war period of 1919-29 for the reason that the price level of wool and mohair, like tobacco, was very unsatisfactory in the 1909-14 period.

(3) The Secretary, under the original law, is authorized to enter into arrangements merely for the reduction of production. The word "reduction" is to be changed to "adjustment" so that his power may be more flexible and permit him to reduce or to maintain or to increase production, as conditions may require.

(4) Rental or benefit payments may be made in commodities rather than by cash payments. The Secretary is also authorized to acquire commodities that have been pledged to the Government as security for loans. Under these two amendments if the price of cotton or corn should go below the amount of the loan, the Secretary may use processing tax funds to take over such commodities from the Commodity Credit Corporation as part of his "ever normal granary."

(5) Authority is conferred to make payments for expansion of domestic and foreign markets and for the removal of surplus agricultural commodities or removal of surplus products of agricultural commodities. As to foreign markets, this is a development of the export-debenture plan, but its use is unfortunately left discretionary with the Secretary. The losses may be paid out of a processing tax on the particular commodity or out of an appropriation which Congress will make of 30 percent of the customs duties collected each year. The latter will be an indirect subsidy out of the Treasury of the United States. In expanding domestic markets under this amendment, for example, the Secretary would be authorized to sell surplus commodities to relief agencies at a reduced price, and he may encourage the development of useful byproducts of agricultural commodities. He may also purchase seasonal surpluses which may be stored and kept during years of plenty and later put on the market during periods of scarcity.

(6) The Secretary is authorized to cooperate with State authorities with a view to working out cooperative programs between the State and Federal Governments.

(7) The \$100,000,000 revolving fund is made available for the expansion of domestic and foreign markets and the removal of surpluses as well as for rental and benefit payments.

(8) Processing-tax funds collected on one commodity may not be expended to pay benefits for another commodity except in the case of hogs and field corn which may be considered as one commodity. This will make impossible the plan which was earlier proposed that taxes were to be levied on beef cattle, sheep, and dairy products for the purpose of making payments on corn or programs of similar character.

(9) Whenever a commodity is selling at less than the parity price the President may place a quota or impose necessary compensating taxes on imports to protect our program against influx of foreign competing commodities.

In addition to the foregoing, there is a possibility that an effort will be made to include in the law an extension for 1 year of the Bankhead Cotton Control Act which was passed last year. This will likely fail, however, since the unconstitutionality of that compulsory crop-reduction law is rather definitely forecast by the Supreme Court's N. R. A. decision of last Monday. For the same reason, it is quite probable that parts of the original law will be rewritten to define more clearly the Secretary's powers and to eliminate all compulsory licensing authority.

You have been listening thus far to a recital of immediately contemplated changes in agriculture's legislative charter that unavoidably has been somewhat dry and technical, although I hope clearly understandable. May I ask you to follow me now for a little while through a frank but friendly discussion of some fundamental weaknesses of the present emergency program that must sooner or later be corrected if agriculture would continue the rehabilitation that has been so well started under the sympathetic leadership of President Roosevelt.

A former high official in the administration recently made the following observation about our farm policy:

"We have taken the big essential step in recognizing that the farmer is entitled from his fellow citizens to fair exchange value for that part of his crop which they consume—even to the extent of a direct subsidy. Why clutter up that fundamental idea with crop reduction, loss of export markets, and direct taxes on particular crops?"

There is a world of meat in that statement, and he goes on to suggest its logical conclusion:

"What difference does it make to the public whether fair domestic price is part tax and part price or all of either? None. But reduced production is giving our export markets away and results in lower farm income than would be the case if the farmer got an American price for domestic consumption and a world price for the surplus."

In this brief quotation is contained the foundation of the only economically sound and permanently successful farm policy, namely, the dual price level, which will assure the farmer a minimum cost-of-production price for that portion of his production which is consumed at home, and the world price for any surplus that needs to be shipped abroad. Our emergency policy of reduced production has already resulted in largely increased foreign production, in a drastic decline in our exports, and in an alarming increase in the imports of farm commodities to this country. The loan facilities that the Government has extended to farmers both on cotton and on corn have been wonderfully helpful emergency measures, but it is unthinkable that we can continue to hold them up like an umbrella over world prices without courting disaster.

Having been born and reared on an Iowa farm and being a farm owner, I claim to be a competent judge of the temper and spirit of the average American farmer. He doesn't want a Government subsidy, or a dole, or to be the recipient indefinitely of benefit payments raised by a tax which furnishes an excuse to distributors to pyramid the prices of his products to the consumer. He does want, however, a fair exchange price, both as to volume and as to value, for the necessities of life that he contributes to society, and he is entitled to nothing less.

The average cost of producing any particular farm commodity, reckoning the average farm as a business unit, is scientifically and accurately ascertainable, exactly as the cost of industrial production is so ascertainable. The requirement that he be paid that minimum cost for the percentage of his production that is domestically consumed is practically workable, as was demonstrated by President Woodrow Wilson during the World War when he controlled wheat prices, and during that period the American farmer enjoyed the greatest prosperity he has ever known.

Early in this session of Congress I introduced a bill to amend the A. A. A. by substituting the cost-of-production principle for the parity provisions of the law as to the domestic consumption percentage of farm production, the farmer to be given a receipt by the dealer for the exportable surplus of his production which he could cash after a Government export agency had disposed of the surplus on the world market. This would be without subsidy from, or other cost to the Government. All the rest of the efficient machinery of the A. A. A. would be preserved to continue as the backbone of the first real relief American agriculture has ever had.

Some further provisions and objectives of my bill if my time permits me to review only very briefly:

(1) It empowers the export agency to supply manufacturing exporters with raw materials from the exportable surplus, under bond, at a price that will permit successful competition abroad with foreign manufacturers of similar products, the deficit, if any, from the net world price, to be made up by processing taxes, which will obviously be less than one-tenth of the present schedules.

(2) It preserves the county and State adjustment committees, adding to their duties important advisory functions as fact-finding agencies for the Department of Agriculture in ascertaining costs of production for the various commodities and in compiling from year to year the necessary production and consumption data.

(3) It will induce voluntary as opposed to compulsory adjustment of acreage and production through that self-interest whereby losses suffered from the sale of excess production on the world markets will impel farmers to transfer acreage to crops whose

volume of production is nearer the demands of the domestic market.

(4) It will in no sense require "dumping", but, on the contrary, will permit controlled marketing by a Federal agency through orderly bargaining. After all it is price that will help us get back our foreign markets. It will contribute substantial auxiliary strength to the arms of the Department of State and the Department of Commerce in effectuating the important reciprocal trade program, and in preventing the increase in subsidized competitive acreage in foreign lands.

5. It empowers the Secretary of Agriculture to build and maintain an ever-normal granary out of the surplus at net world prices to the producer, and to arrange for storage or farms under seal.

6. It provides for loans to producers on their exportable percentages pending disposition on the world market.

7. It invokes existing powers of the Government to protect domestic price levels by compensating and flexible tariffs, or by embargoes.

8. It specifically reaffirms the power of the Secretary of Agriculture to limit production of any commodity and sets up simplified alternative machinery to effectuate any desired production-control program.

9. It will reduce consumer costs by promoting the stabilization which will reduce the speculative spread between prices received by producers and prices paid by consumers.

10. It will completely disarm those special interests which would destroy the A. A. A. and its tremendous accomplishments for agriculture without providing a substitute.

11. The certain increase in agriculture's potential buying power will forthwith reopen factories, and the greater volume of commodities to be handled will substantially reduce unemployment, it being conservatively estimated that upward of \$3,000,000,000 will at once be added to agriculture's annual income, largely transferred from the pockets of present-day speculators and middlemen.

(12) It is constitutional under the power to regulate interstate commerce and the power to regulate the value of money in commodities. If supplementary State legislation should prove desirable, there can be no doubt of its unanimous enactment.

It must never be forgotten that there are many who would like to see the A. A. A. collapse with nothing to take its place. If we, who are its friends, would avoid that possibility, we must be the first to recognize and correct any mistakes that experience lays bare. By striking down the Frazier-Lemke Farm Mortgage Moratorium Act the Supreme Court has nullified the administration's earnest efforts to save farm homes by compulsory debt adjustment. This makes it imperative that resort be had to every constitutional method for forcing the farmer's dollar income up to a point where he again can pay his debts. I hope my listeners will ponder seriously over the suggestions I have made and will give your Congressman the benefit of your own reactions and constructive thought on these important questions to the end that further strengthening and forward-looking amendments to the farm program may be enacted into law from time to time.

MERCHANT MARINE LEGISLATION

Mr. WEARIN. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the Record.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WEARIN. Mr. Speaker and Members of the House, for some weeks past the Committee on Merchant Marine and Fisheries, of which I am a member, has been considering various suggestions pertaining to a permanent program for the development of our merchant marine. I have interested myself in this subject because the people residing in the territory I represent are concerned with the problem of finding a market not only at home but abroad for the agricultural products they have to sell. The taxpayers are entitled to protection in any merchant-marine legislation offered, and for that reason I have suggested a number of amendments to H. R. 7521 that I want to discuss briefly this morning.

I have long advocated the necessity of developing foreign markets as a means of aiding the solution of our economic problems. Such a program is a necessity for a growing nation unless her people desire closely regulated production as a permanent policy. Of course, I am fully aware of the fact that America must buy as well as sell in such an arrangement, but this is not the place for the discussion of that question that I have considered at other points in the Record. The situation I am interested in today is the fact that such a program is associated with the development of a merchant marine.

Since 1928 we have experimented with mail subsidies in an effort to build up our shipping. Postmaster General Farley in his reports to President Roosevelt with reference to the

individual lines receiving the benefits stated that the contracts had cost his Department \$119,257,756.63 up to June 30, 1934. If the present contracts are continued they will cost the taxpayers an approximate total of \$308,095,160.30 before we are through with it.

When the act of 1928 was passed we were told it was necessary to establish a permanent merchant marine on a sound basis. Congress naturally assumed that this would be done, and that the enormous sums advanced as mail pay, the general provision for loans by the Shipping Board at rates of interest as low as one-eighth of 1 percent (since raised to 3½ percent but unfortunately the Government has not recovered on approximately 90 percent of the fund that was loaned at low rates), and the low sales price of Shipping Board vessels would result in the establishment of the said strong merchant marine for the United States. The recent investigation by the Post Office Department, summarized in Mr. Farley's reports and recommendations to President Roosevelt now available as Parts I and II, Investigation of Air Mail and Ocean Mail Contracts, printed for the use of the special Senate committee investigating the scandal, show conclusively through facts presented under oath and statements of the operators themselves that comparatively little of the enormous grants has gone into the building of a permanent merchant marine on a sound basis.

We are now faced with the question of what to do with the operators, the contracts, and the entire problem. One proposal now before the Committee on Merchant Marine and Fisheries in the form of various and sundry committee prints is H. R. 7521. Representatives of the shipping interests have testified before the committee in behalf of the measure or something similar. I will not at this time go into any of the reasons why the people who have received the tremendous mail subsidies referred to above, who, it is proved beyond question in Mr. Farley's reports have been actuated largely by a desire to obtain as much from the Government as possible upon minimum commitments looking to the upbuilding of the American merchant marine, should favor a certain type of legislation.

It is sufficient for the time being for me to say that in my judgment, after giving the subject considerable study that Committee Print No. 2 of H. R. 7521 should be extensively amended and revised in the public interest. In line with that suggestion I appeared before a subcommittee on Merchant Marine and Fisheries on May 24, 1935, and offered a considerable number of amendments that are herewith printed in full with accompanying explanations as to the reason for their having been offered.

SECTION 1. AMENDMENTS TO H. R. 7521, COMMITTEE PRINT NO. 2, APRIL 30, 1935

In section 1, title I, on line 5, page 2, after the words "United States", insert the words "or by the United States."

In line 12 on page 2, after the words "States and", insert the word "exclusively"; and in the same line, after the word "efficient", insert the word "American".

COMMENTS ON AMENDMENT TO SECTION 1

The amendment on line 5 is designed to permit the Government to own or operate ships in the event of a national emergency or otherwise in the public interest. It must not be forgotten, also, that the United States still owns several lines of vessels which are being operated for Government account.

The amendments on line 12 are designed to require that the personnel on the ships shall be exclusively American citizens.

Amend section 201, title II, subsection (b), by striking the words appearing in lines 4 and 5 on page 4, reading as follows: "No member shall be appointed who is in the employ of, or holds any official relation to", and in lieu thereof insert the following:

"No member shall be appointed who is, or who has been within 3 years prior to such appointment, employed by, or associated in any official capacity with."

Amend section 201, title II, subsection (c), in lines 15, 16, and 17, page 4, by striking out the following sentence:

"The duties of the Authority may be so divided that under its supervision the directorship of various activities may be assigned to one or more members."

Amend section 201, title II, subsection (c), on page 5, in line 7, by striking out the figures "12,000" and inserting in lieu thereof the figures "10,000."

Amend section 201, title II, subsection (e), on page 5, in line 17, by inserting a comma in place of the period after the word "corporation", and inserting thereafter the following:

"Provided, That no employee shall receive a salary in excess of \$10,000 per annum."

Amend section 201, title II, subsection (f), by striking out lines 22 to 25, inclusive, on page 5, and lines 1 to 7, inclusive, on page 6, and substituting the following:

"In selecting the officials and employees of the Authority, preference shall be given to the employees and officials of the United States Shipping Board Bureau and the Merchant Fleet Corporation of the Department of Commerce, who have maintained excellent records for efficiency, honesty, and loyalty to the best interests of the Government and whose experience would make their services valuable to the Authority."

COMMENTS ON SECTION 201, TITLE II

Subsection (b): The reason for this amendment is to insure that the members of the Authority shall not be unduly sympathetic to or influenced by the special interests who are benefiting by this act. The revelations before the Black committee and before the Post Office Department abundantly indicate the necessity for such restriction upon the membership of the Authority.

Subsection (c): The purpose of the amendment to subsection (c), section 201, is to avoid the possibility that one member of the Authority may pass upon important problems without full knowledge of such problems being possessed by other members of the Authority. Unless such safeguard is provided it would be possible for one weak member of the Authority to make important decisions that would be detrimental to the proper conduct of the business confided to the whole Authority.

Subsection (e): The reason for the amendment to subsection (e), section 201, is that no substantial ground has been presented as to why the members of the Authority and the employees thereof should be permitted to draw salaries in excess of those paid to Senators and Members of the House of Representatives.

Subsection (f): The amendment to subsection (f), section 201, is necessary because the section as now drawn makes it more or less mandatory to appoint employees presently employed by the United States Shipping Board Bureau or the Merchant Fleet Corporation; where they are worthy, they should be given preference because their experience should make them a valuable asset. As amended, however, this leaves it discretionary to the Authority as to whom it employs.

Amend section 202, title II, subsection (3), on page 7, in line 4, by striking the Roman numerals "III" and the word "and" immediately thereafter, and in line 3 by striking out the final "s" on the word "titles" so that the section as amended will read:

"To determine, under rules and regulations to be prescribed by the Authority, the amounts of direct financial aid to be paid under contracts awarded pursuant to title V of this act; and".

Amend section 202, title II, on page 7, by adding a new section after line 18, reading as follows:

"(6) (a) The Authority is authorized to require such detailed reports under oath and to make such periodic or special audits of all books of account, and such examinations of all contracts, records, and correspondence, as it deems advisable in the public interest, of any common carrier by water, any industrial carrier by water, any person issuing policies of insurance on hulls and cargoes and policies covering protection and indemnity insurance, and the agents of such persons, including insurance brokers, or any other person subject to this act, who is a citizen of the United States. Such audits and examinations may be extended to include books of account and other records of any subsidiary, parent, or affiliated association, partnership, or corporation having any interest direct or indirect in any such common carrier by water and other person, whether the interest of such holding, subsidiary, and/or affiliated concern is by means of contractual relations, stock ownership, interlocking directorates, or otherwise. To aid in the making of such audits and investigations, the Authority may, by subpoena, compel the attendance of witnesses and the production of books, documents, and other evidence, to the same extent and upon the same conditions as are now provided in section 826, chapter 23, title 46 of the Code of Laws of the United States.

(b) The Authority is authorized to prescribe uniform systems of accounts to be kept by all citizens of the United States subject to this act, by appropriate rules and regulations to be promulgated by the Authority, and such rules and regulations may be enforced as provided in section 828, chapter 23, title 46 of the Code of Laws of the United States.

COMMENTS ON SECTION 202

Subsection (3): The reason for this amendment is that title III relates to mail contracts and no power should be

given to the Authority to continue the mail contracts or to determine the amount of compensation to be paid under existing contracts.

Subsection (6): The inclusion of subsection 6 is necessary to give the Government the authority it is now lacking to investigate the accountings and practices of the carriers. This is a very important amendment and should be insisted upon.

Amend section 204, title II, on page 8, in line 17, after the word "lines" by inserting the word "necessary"; and in line 18, on page 8, strike out the words "pursuant to section 7, Merchant Marine Act, 1920 (U. S. C., title 46, sec. 866)."

COMMENT ON SECTION 204

Amendment to section 204: There is no point in referring to section 7, Merchant Marine Act, 1920, which provides for the sale of vessels on steamship routes and preference to be given to bidders for such lines. Unless this reference to section 7 of the old act is eliminated, it will result in endless confusion and will lead to claims by certain interests that they are entitled to preferences.

Amend section 301, title III, on page 10, in lines 3 to 6, inclusive, by striking the words "sections 401 to 413, inclusive, of title IV, of the Merchant Marine Act, 1928, are hereby repealed, subject to the limitations and exceptions hereinafter in the act provided", inserting in lieu thereof the following:

"Title IV of the Merchant Marine Act, 1928, is hereby repealed."

Amend section 301, title III, on page 10, by striking out the paragraph appearing on lines 7 to 12, inclusive.

COMMENTS ON SECTION 301

The amendment to section 301, title III, is in harmony with the President's message to Congress advising that payment of subsidies by the subterfuge of mail contracts should be stopped.

Amend section 302, title III, appearing on page 10, by striking said section and inserting in lieu thereof a new section reading as follows:

"Thirty days after the passage of this act all contracts made by the Postmaster General pursuant to the provisions of the Merchant Marine Act, 1928, for the carriage of mail shall stand rescinded, and it shall be unlawful for any officer of the Government to pay from any public funds any compensation to the holder of any such contract for the carriage of ocean mail, except for voyages completed by the mail contractor's vessel or vessels prior to 30 days after the passage of this act, and for the round voyage completed by any vessel which was at sea on the date of passage of this act and shall not have completed its round voyage prior to the date of rescission of the mail contract as declared in this Act: *Provided*, That the jurisdiction of the Court of Claims and of the district courts of the United States to entertain and adjudicate suits claiming damages from the United States arising out of the rescission of such contracts is hereby limited to an award of just compensation, which compensation shall not include any allowance for loss of prospective profits that might have been earned by the contractor if permitted to further perform his contract.

COMMENTS ON SECTION 302

In view of the revelations in the reports of the Postmaster General concerning the manner in which mail contracts were awarded without competition and in violation of the intent of Congress, all such contracts should be rescinded and the contractor should not be permitted to mulct the United States in damages. On the contrary, the United States should be protected against payments of the profits the contractors might make in the future if permitted to perform the mail contracts and should be required to pay no more than just compensation. Just compensation was all that was allowed to contractors whose war contracts were canceled after the armistice and in defining the meaning of the words "just compensation" in the Russell Motor Car case, the Supreme Court said that just compensation did not include the loss of profits the contractor might have earned if permitted to perform, but did include the contractor's outlay on account of the contract for plant equipment, less the salvage value thereof.

Amend section 401 (b), title IV, page 12, by striking all after line 6, and substitute in lieu thereof the following:

"If the new vessel or vessels to be constructed are intended to replace an old vessel then employed in an established foreign trade route, the vessel or vessels so to be replaced shall be scrapped by the owner for his own account within such time as the Authority shall prescribe, unless the owner of such old vessel or vessels is able to consummate a sale thereof upon condition that such ves-

sel or vessel shall not be operated during the life thereof in the commerce of the United States, except as may be permitted by the Authority, but the Authority shall not permit such old vessel or vessels to be operated in competition with any other vessel or vessels constructed with Government aid under title V hereof or subsidized in any manner under any provisions of this act."

COMMENTS ON SECTION 401 (B)

Why should the Government buy a lot of old vessels for scrap or otherwise? In the first place, the proponents of this bill are opposed to Government ownership. In the second place, the paragraph which it is proposed should be rewritten very definitely establishes another expensive subsidy, which it would appear the President did not contemplate in his message of March 4, 1934.

Amend section 501 (a), part 1, on page 23, in line 21, after the words "United States", as follows:

"*Provided*, That the Authority shall not extend aid for the operation of more than one line in a particular foreign-service trade route."

Amend section 501 (b), page 24, by striking lines 9, 10, and a part of 11, reading as follows:

"(1) The difference between the fair and reasonable domestic and foreign construction cost of a vessel of the type proposed to be built, and"—and substitute therefor the following:

"(1) The difference between the lowest approved and accepted construction cost of such vessel in the United States as determined by competitive bids and the estimated lowest construction cost of such vessel if constructed in a foreign country whose nationals are the principal competitors on the trade route or service in which such new vessel is to be employed."

Amend section 501, following line 13, on page 25, by adding the following paragraph:

"(d) The cumulative net profits in excess of 6 percent per annum of any shipbuilder receiving a contract under this act (dating from the first subsidy contract) shall be subject to recapture by the Authority at the end of each calendar year: *Provided*, That the total recovery by the Authority shall not exceed the cumulative subsidy payments to the shipbuilder: *And provided further*, That the Authority shall prescribe the accounting formula for determining these net profits."

COMMENTS ON SECTION 501

Section 501 (a): The object of extending aid to American-flag operators is to enable them to compete with foreign-flag operators in any essential foreign service that could not be adequately served by American-flag operators without such aid.

It would appear to be very bad policy to extend aid to two or more lines to compete with each other on the same foreign-service trade route. Naturally, monopoly should not be encouraged, but the general idea of a monopoly would be to give one company aid in operating two, three, four or more lines, or foreign services extending to the four corners of the earth. In other words, limit the services that a company may operate, but once you have determined to aid a particular company in the operation of any line or service, do not aid someone else to compete with him.

Section 501 (b), page 24: The construction cost in different foreign yards varies considerably. The construction cost which we are endeavoring to equalize in each instance is the construction cost of the principal competitor to the American-flag operator. If, for instance, vessels could be constructed 20 or 30 percent more cheaply in Japan than in any other foreign country, it would not seem fair to use Japan construction cost if the subsidized American-flag operator were competing with a British-flag line who does construct his vessels in British yards. Moreover, we should be definite in stating how it shall be determined what the cost will be of constructing a vessel in American yards.

Section 501 (d) (additional paragraph to be inserted on p. 25):

If the Government is to subsidize construction of vessels so that all vessels constructed by the Authority will be built in American yards irrespective of what cost these same vessels could be constructed in foreign yards, it appears that the Government is thoroughly justified in having a recapture clause which will limit the cumulative net profits to 6 percent. Particularly is this true when viewed in the light that it is impossible to determine with any degree of accuracy the construction differential in any instance, and furthermore, the Government should not pay what is equivalent

to a dole to the shipbuilder or anybody else, if by such payments the recipient is enabled to make exorbitant profits.

Amend section 502, page 25, line 19, after the word "bids", to read as follows:

"It shall be unlawful for any bidder, or for the officers, directors, executives, or employees of any bidder for shipbuilding contract under the provisions of this act, (1) to consult with or agree with or inform any other such bidder, or officer, director, executive, or employee of any such other bidder as to the amount of or the terms and conditions of any bid submitted to the Authority prior to the public opening of such bids, or, (2) to enter into any collusive agreement or understanding, either verbal or written, as to such bid whereby free and secret competition for such contract shall be prevented or hindered or evaded in any manner whatsoever.

"Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5,000, not more than \$25,000, or shall be imprisoned for not less than 1 year or more than 5 years, or shall be both fined and imprisoned in the discretion of the court."

COMMENTS ON SECTION 502

A stiff penalty, as provided in this amendment, would go a long way toward insuring honest bids and at the same time eliminating collusive bidding in its various forms.

Amend section 504, page 26, in line 10, by striking the figure "20" and inserting "40" in lieu thereof.

Amend section 504, page 26, in line 23, by striking the figure "20" and inserting "40" in lieu thereof.

Amend section 504, page 27, after line 9, by inserting the following paragraph:

"The cumulative profits in excess of 6 percent per annum of any contractor receiving an operating subsidy under this section (dating from the date first aid is granted) shall be subject to recapture by the Authority at the end of each calendar year, provided that the total recovery by the Authority shall not exceed the cumulative subsidy payments, and provided, further, that the Authority shall prescribe the accounting formula for determining these net profits."

COMMENTS ON SECTION 504

(First two amendments): If only 20 percent of the foreign cost is paid down at the outset by the owner, this would be equivalent to a payment of only about 12 percent of the American cost, assuming that the construction differential would be 40 percent of the American cost. Under the present plan of the construction loan set-up of the Shipping Board Bureau, only 75 percent of the construction cost in American yards is loaned by the Government; 40 percent instead of 20 percent of the foreign cost would equal a little less than 25 percent of the American cost, which is now being paid by the owner. Since the President has stated that no loans should be made in connection with future construction, it would appear asinine to present any bill to him where an even greater construction cost is being paid down by the Government than was paid under the Merchant Marine Act, 1928.

(Insertion of paragraph): It is practically impossible to determine what an operating differential should be, due to changing conditions and also due to the fact that the books of the foreign-flag operator will not be accessible to the Authority. In order that the Government shall not subsidize owners to such an extent that their profits shall be excessive, the recapture clause is necessary, and, naturally, if conditions become so favorable that the owner can make a high profit without Government aid, then there is no reason why said owner should not retain the profits just as long as the Government's contribution is recovered before excessive profits are realized.

Amend section 505, by striking lines 10 to 25, inclusive, on page 27, and 1 to 6, inclusive, on page 28, and substituting in lieu thereof the following:

"No vessel in respect to which a construction and/or operating subsidy has been paid or shall be paid shall be operated other than exclusively in foreign trade, unless the owner shall receive the consent of the Authority to do so; in which event any amount due the Government on such vessel, plus the amount of the construction differential absorbed by the Authority, shall immediately become due and payable."

COMMENTS ON SECTION 505

Provision is made to subsidize only vessels engaged in foreign trade through loans and the payment of operating and construction differentials. The minute a vessel constructed for this purpose is placed in coastwise or inter-coastal service which is not being subsidized, the owner

thereby shall be placed on a parity with other operators who are engaged in a similar service. The proposed amendment will carry out such an objective.

Amend section 507 (a), by striking the words after "shall", on line 15, as follows: "endeavor to permit" and insert in lieu thereof the words "provide for".

COMMENTS ON SECTION 507 (A)

Any requirements concerning competitive bidding or competition should be made as definite as possible.

Amend section 511 by striking lines 3 to 24, inclusive, page 31, and insert the following:

"(a) No contractor under a contract in force under this title, or no holding company of such contractor or officer, director, or executive, or no member of the immediate family of such officers, directors, or executives of such contractor or such holding company shall (1) own any pecuniary interest in any person performing or supplying stevedoring, terminal, ship repair, ship chandler, towboat, wharfage, or kindred services in any domestic port or ports. (2) Own any pecuniary interest in any person servicing any vessels of the contractor in a foreign port or ports: *Provided*, That with the express approval of the Authority, such contractor, or a wholly owned subsidiary of such contractor, may render services to vessels in a foreign port or ports if the profits, if any, incident thereto are included in the earnings contemplated under this title. (3) Own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service, or own any pecuniary interest in any person that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service. (4) Own, charter, or operate any foreign-flag vessel or vessels, or own any pecuniary interest in any person that owns, charters, or operates any foreign-flag vessel or vessels. (5) Perform or supply at any domestic port or ports, stevedoring, towboat, ship repair, ship chandler, terminal, or wharfage services for any vessel: *Provided*, That such contractor may itself, with the express approval of the Authority, perform stevedoring services to and/or utilize its own terminal and/or wharfage facilities for its own vessels. (6) Own any pecuniary interest in any person employed as agent or broker for any contractor under a contract in force under this act.

No contractor under a contract in force under this title shall employ any person as the managing or operating agent of such contractor, or shall charter its vessels for operation by another person or shall employ chartered vessels under the contract.

No contractor under a contract in force under this title, or no holding company of such contractor, or no officer, director, or executive, or no member of the immediate family of such officers, directors, or executives of such contractor, or of such holding company shall own any pecuniary interest in, or shall be owned to any extent by, any person engaged in the building of ships, or holding or subsidiary company of such person, or any officer, director, or other executive of such person or of such holding company.

Any violation of any provision of this section shall constitute a breach of contract in force under this title, and upon determining that such a violation has occurred, the Authority shall forthwith rescind such contract.

COMMENTS ON SECTION 511 (A)

The amendment to this section is intended to forbid any contractor receiving a subsidy from engaging in any service other than the steamship business and to compel him to confine his steamship activities either directly or indirectly to the development of the foreign service which is being subsidized. It also forbids a shipbuilder from directly or indirectly owning any stock in a shipowner or operator who is being subsidized and it also forbids any shipowner and operator from receiving a subsidy from or owning any stock either directly or indirectly in shipbuilding companies. Generally speaking, the amendment would preclude the piping out of revenues of a subsidized company to subsidiary, affiliated, or holding companies. It protects the independent stevedore, towboat companies, ship chandlers, ship repair companies, and so forth, against unfair competition from a steamship company who is receiving financial aid and prestige from the Government. It is entirely fair to all concerned. It is workable and should be enforced with every company receiving aid. The countless abuses revealed in the recent investigation and disclosed in the individual mail contract reports by Mr. Farley clearly demonstrate the necessity and advisability for such an amendment.

Amend section 513 by striking lines 5 to 14, inclusive, on page 33.

COMMENT ON SECTION 513

This section is being eliminated because all of the provisions thereof are more than taken care of in amendment to section 511 (a).

Amend section 515, part 3, by striking lines 12 to 25, inclusive, on page 34, and lines 1 to 16, inclusive, on page 35.

COMMENT OF SECTION 515

Millions of dollars have already been spent in developing foreign-trade services and it is believed that the essential foreign-trade services have already been developed. This seems to be another means of penetrating the Treasury. It should be styled "shipping trade for penetrating the Treasury" instead of "shipping trade promotion aid."

The President apparently did not contemplate such a subsidy in his message of March 4, 1935.

Amend section 517 (c), first sentence, by striking lines 1, 2, 3, and 4 up to and including the word "under", on page 38.

COMMENTS ON SECTION 517

These words are superfluous. The authority to employ and authority to examine and audit have already in previous sections been delegated to the Authority. Why indicate the designation of the representatives of the Authority who will perform this work? Normal audits are usually conducted by auditors, special investigations by special agents or special investigators or by some other title of a similar nature.

Section 519. (Note: the print shows "517" but it apparently should be "519.")

Amend section 519 by striking out lines 8 to 10, inclusive, on page 39, and inserting the following:

"(b) No officer, director, or employee of any contractor under a contract in force under this title shall receive a salary or allowance (including compensation in any form for personal services) from such contractor which shall result in such person receiving a total compensation from all sources exceeding \$17,500 per annum."

Amend section 519 (d) by striking out lines 1 to 6, inclusive on page 40.

Amend section 519 by adding the following paragraph, following line 12, on page 40:

"(f) No contractor shall receive aid under this title whose vessels are engaged in service the cargo of which to the extent of more than 50 percent either outbound or inbound is the property of or was sold or purchased by the contractor or any direct or indirect owner or subsidiary of such contractor."

COMMENTS ON SECTION 519

Section 519 (b): If an operator is operating under the dole system or the subsidy system, whichever you wish to call it, why should he receive a salary greater than \$17,500 per annum? Such operator being indirectly supported by the Government, such a salary is greater than is received by any officer of the Government except the President of the United States and the Chief Justice of the Supreme Court. This amendment is intended to cover all payments for services rendered to all companies where there are subsidiary, affiliated, and holding companies involved. If, for instance, however, a banker draws \$75,000 from his bank and happens to be treasurer of a contract company, it does not mean that he would not be permitted to draw his \$75,000 from the bank, but any salary that might be paid by the contractor would be contributing toward a total salary in excess of \$17,500 and in such instances no salary would be paid by a contractor. As a matter of fact, if there were such a case, chances are that only a very small percentage of his time would be given to the steamship business, anyway. If all his time is devoted to the steamship company, then he can draw \$17,500 from the contracting company, and no more.

Section 519 (d): This paragraph of section 519 is stricken out because the amendment to section 511 takes care of this feature by forbidding a contractor to engage in any foreign flag operations, either directly or indirectly. After all, we cannot serve two masters. Therefore, why should not the law be specific and definite in this respect without putting the burden on the Authority, and making it possible for favoritism and discrimination, in fact a continuation of the old practices and abuses and unsound methods of the past?

Section 519 (f): (New paragraph.)

There does not appear to be any good reason why an industrial carrier should be subsidized. It is not believed that such was intended under the Merchant Marine Act of 1923. However, the act was interpreted in such a way that the United Fruit Co. was awarded three contracts, notwithstanding the fact that over 75 percent of this company's inward cargo is the property of the United Fruit Co. or one of its subsidiaries, thereby placing it in the class of an industrial carrier. It is believed that the law should be specific on this point.

Add a new section following 519 by inserting immediately above title VI, "Merchant Marine Fund", and the following:

"Sec. 520. The Authority shall prescribe minimum manning scales and minimum wage scales for all personnel employed on all vessels of every contractor receiving aid under title V of this act. Any contractor who violates such manning or wage scales shall pay to the United States a penalty of \$100 for each day that each of such violations shall continue and such fines shall go to the fund for sick and destitute seamen."

COMMENTS ON SECTION 520

The outstanding reason behind a subsidy, which is made up largely of operating and construction differentials, is a desire by the United States Government to maintain a high standard of living for its seamen and workmen in shipyards, it being a generally accepted fact that American seamen and workmen in American shipyards receive a much higher scale of pay than is received on foreign vessels and in foreign shipyards, respectively. If subsidies are paid to contractors on this theory why should not the Government, who pays the subsidy, make certain that one of the outstanding purposes of the subsidy is fulfilled? In other words, there appears to be every conceivable reason why the Authority should prescribe these manning and wage scales and no legitimate reason why it should not.

Amend section 701 by striking the word "Authority" on line 5, page 42, and inserting in lieu thereof "Interstate Commerce Commission."

Section 701: It is a sound set-up to separate the regulatory features from the administrative features. Therefore it appears proper to place all of the regulatory features in the Interstate Commerce Commission and all the administrative features embracing the administration of the subsidy and all the duties, except regulatory, conferred by law to the present United States Shipping Board Bureau and the Merchant Fleet Corporation of the Department of Commerce.

The President in his message of March 4, 1935, made this request:

Amend section 701 by inserting after line 24, on page 44, the following:

"(6) Paragraph 4 of section 1 of the Shipping Act, 1916, is hereby amended, so that whenever used in that act and in this act, the term "other person subject to the act" means any person not included in the term "common carrier by water", carrying on the business of forwarding or furnishing, stevedoring, wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water and any person engaged in the business of building or repairing vessels."

COMMENT ON SECTION 701 (B)

Section 1 of the 1916 act has been amended to make shipbuilders, ship-repair yards, and stevedoring companies subject to this act.

Amend section 702 of title VII by striking lines 1 to 24 inclusive, on page 45, and lines 1 to 6 inclusive, on page 46.

COMMENT

Section 702: Since it has been suggested that section 701 be amended so as to transfer the regulation features to the Interstate Commerce Commission, there will be no need for the "joint transportation board" to handle rail-and-water traffic.

Amend section 802 by striking the words "Secretary of Commerce" in line 13, page 47, and insert in lieu thereof the word "authority."

Strike the word "Secretary" in line 19 of section 802 (a), page 47, and insert in lieu thereof the word "Authority."

Strike the word "Secretary" in line 3 of section 802 (a), page 48, and insert in lieu thereof the word "Authority."

Strike the words "Secretary of Commerce" in line 8, section 802 (b), page 48, and insert in lieu thereof the word "Authority."

Section 802: The purpose of these changes is to place all administrative functions under the authority and all regulatory functions under the Interstate Commerce Commission. These various duties should be scattered only to the extent of separating the two functions.

Amend section 901, page 54, by striking the words "Secretary of Commerce" in line 12 and inserting in lieu thereof the word "Authority."

COMMENTS ON SECTION 901

This will place under the Authority the administration of the subsidies and all the duties imposed by law on the

United States Shipping Board Bureau and the Merchant Fleet Corporation of the Department of Commerce, except the regulatory features which according to previous amendments are transferred to the Interstate Commerce Commission.

Amend section 1003 (b), title X, beginning on line 7, page 56, and ending on line 9, by striking the following: "in the same manner and to the same extent as if the Authority had been named in the law making such appropriations."

COMMENTS ON SECTION 1003

These lines are stricken out because the mail contracts are being canceled under previous amendments. The surplus funds in the Post Office Department applicable to the ocean-mail contracts should be transferred to the authority, but to be used for other purposes.

PUNISHMENT FOR ROBBING OR ATTEMPTING TO ROB CUSTODIANS OF GOVERNMENT MONEYS OR PROPERTY

Mr. DOBBINS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 108, H. R. 5360, providing for punishment for the crime of robbing or attempting to rob custodians of Government moneys or property, for the purpose of asking that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DOBBINS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TRAVELING EXPENSES OF EMPLOYEES TO AND FROM THE VIRGIN ISLANDS

The Clerk called the next bill on the Consent Calendar, H. R. 7025, authorizing the Secretary of the Interior to furnish transportation to persons in the service of the United States in the Virgin Islands, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to furnish to persons appointed from the continental United States for employment in the service of the United States in the Virgin Islands, and to persons who may be discharged without prejudice or, after a period of service of not less than 1 year, may resign from the service of the United States in the Virgin Islands, free transportation between a port in the United States and the post of duty in the Virgin Islands. The Secretary of the Interior is further authorized to furnish to persons appointed from the continental United States and employed in the service of the United States in the Virgin Islands free transportation from the post of duty to a port in the continental United States and return for the purpose of taking leave, but not more frequently in the case of any person than once during each 2-year period of service.

With the following committee amendment:

On page 2, after line 9, insert the following:

"The Secretary of the Interior is further authorized to provide free transportation of the bodies of deceased persons formerly appointed from the continental United States for employment in the service of the United States in the Virgin Islands, from the post of duty previously held in the Virgin Islands to such destination in the continental United States as may be requested by the deceased person's nearest relatives and/or friends."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF PUERTO RICO

The Clerk called House Joint Resolution 129, to amend the joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, to permit an adjudication with respect to liens of the United States arising by virtue of loans under such joint resolution.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AUTHORIZING VIRGIN ISLANDS CO. TO SETTLE CLAIMS

The Clerk called the bill (H. R. 7380) authorizing the Virgin Islands Co. to settle valid claims of its creditors, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object for the purpose of asking whether the Colonial Council of St. Thomas and St. John is the legislative body for the Virgin Islands?

Mr. KOCIALKOWSKI. That is the legislative body for the Virgin Islands.

Mr. ZIONCHECK. Mr. Speaker, I reserve the right to object to ask in respect to the charge of \$1,736 to set up an accounting system for the Virgin Islands. How was that arrived at?

Mr. KOCIALKOWSKI. That was before the committee, and we asked the same question of the Department of the Interior. That Department stated that that is a just amount.

Mr. ZIONCHECK. I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Virgin Islands Co., a nonprofit corporation created by special act of the Colonial Council of St. Thomas and St. John, Virgin Islands of the United States, to engage in enterprises for the rehabilitation of the Virgin Islands of the United States, is hereby authorized to pay to Phagen, Tillison, and Tremble for services rendered during governmental fiscal years 1934 and 1935 in providing a general accounting and cost system for the corporation a sum not to exceed \$1,736.81, and to pay and settle such other claims against the corporation as are or may be approved for payment by its board of directors as valid obligations duly incurred by the corporation in the course of business: *Provided*, That this act shall not be deemed to authorize the payment of any claim out of any money other than funds belonging to or deposited to the credit of the corporation.

With the following committee amendment:

Page 2, line 1, after the figures \$1,736.81, strike out the comma and the remainder of the line and all of lines 2, 3, 4, down to and including the word "business" in line 5.

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSERVATION OF WATER RESOURCES, SANTA BARBARA COUNTY, CALIF.

The Clerk called the bill (H. R. 6544) to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public land, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the public lands of the United States, within the boundaries of the Santa Barbara National Forest, located in the State of California and hereinafter described, are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in sections 29, 30, 31, 32, and 33, township 7 north, range 24 west, San Bernardino meridian.

All Government lands in sections 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, township 7 north, range 25 west, San Bernardino meridian.

All Government lands in sections 7 to 36, inclusive, township 7 north, range 26 west, San Bernardino meridian.

All Government lands in sections 1 to 36, inclusive, township 7 north, range 27 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, township 7 north, range 28 west, San Bernardino meridian.

All Government lands in sections 5, 8, and 17, township 6 north, range 24 west, San Bernardino meridian.

All Government lands in township 6 north, range 25 west, San Bernardino meridian.

All Government lands in township 6 north, range 26 west, San Bernardino meridian.

All Government lands in township 6 north, range 27 west, San Bernardino meridian, except sections 19, 30, and 31.

All Government lands in sections 1, 2, and 12, township 6 north, range 28 west, San Bernardino meridian.

All Government lands in sections 6, 7, 18, 19, 30, and 31, township 5 north, range 24 west, San Bernardino meridian.

All Government lands in township 5 north, range 25 west, San Bernardino meridian.

All Government lands in township 5 north, range 26 west, San Bernardino meridian, except in sections 31 and 32.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, township 5 north, range 27 west, San Bernardino meridian: *Provided*, That this act shall not defeat or affect any

lawful right which has already attached under the mining laws and which is hereinafter maintained in accordance with such laws: *Provided further*, that the President upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws, any of the lands hereby withdrawn therefrom.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BURIALS IN NATIONAL CEMETERIES

The Clerk called the bill (S. 1712) to amend section 4878 of the United States Revised Statutes, as amended, relating to burials in national cemeteries.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4878 of the United States Revised Statutes, as amended, be further amended by adding at the end of said section a new sentence reading as follows: "Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918, may be buried in any national cemetery: *Provided*, That the interment is without cost to the United States."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

NATIONAL GUARD AMENDMENT

The Clerk called the bill (H. R. 5720) to amend the National Defense Act of June 3, 1916, as amended.

The SPEAKER. Is there objection?

Mr. ZIONCHECK. Mr. Speaker, I object to that bill because the War Department objects to it at this time.

ERECTION OF MEMORIAL TO SURVIVORS OF THE DIRIGIBLE "SHENANDOAH"

The Clerk called the bill (H. R. 6321) authorizing the erection of a memorial to the survivors of the dirigible *Shenandoah*.

The SPEAKER pro tempore. Is there objection?

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this be passed over without prejudice for the prime reason that there is no report from any department upon the bill.

Mr. WOLCOTT. And further, it might be said that there is no report from the committee. I think it is remarkable that the Committee on the Library, with the intelligence I know exists on that committee, cannot make up reports on these bills. I notice there are three or four bills on the calendar from that committee where no report accompanies the bill.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

STATUE OF ABRAHAM LINCOLN IN GETTYSBURG NATIONAL CEMETERY

The Clerk called the next bill, H. R. 7731, to provide for the erection of a statue of Abraham Lincoln in the Gettysburg National Cemetery.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, with the advice of the Commission of Fine Arts, is authorized and directed to procure a statue of Abraham Lincoln and to erect such statue on such site as he may select in the Gettysburg National Cemetery.

Sec. 2. There is authorized to be appropriated the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

Sec. 3. The Secretary of the Interior is authorized to receive donations in addition to the appropriation authorized herein, to be used in extension of the plans herein provided.

With the following committee amendments:

Page 2, line 2, after the word "donations", strike out the words "in addition to the appropriation authorized herein,"; and Page 2, line 3, strike out the words "extension of" and insert "carrying out."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMORIAL TO BRIG. GEN. CASIMIR PULASKI

The Clerk called the next bill, H. R. 7451, authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski at Savannah, Ga.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to erect at Savannah, Ga., a suitable tablet or marker to commemorate the heroic services rendered during the Revolutionary War by Brig. Gen. Casimir Pulaski, who died from wounds received at the siege of Savannah on October 11, 1779.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION OF TANANA RIVER AND CHENA SLOUGH, ALASKA

The Clerk called the next bill, H. R. 7600, authorizing a preliminary examination of the Tanana River and Chena Slough, Alaska.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Tanana River and Chena Slough in the vicinity of Fairbanks, Alaska, with a view to the control of floods in said Chena Slough, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION OF POINT REMOVE CREEK, ARK.

The Clerk called the next bill, H. R. 7314, authorizing a preliminary examination of Point Remove Creek, Ark., a tributary of the Arkansas River.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Point Remove Creek, Ark., a tributary of the Arkansas River, with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION OF GAFFORD CREEK, ARK.

The Clerk called the next bill, H. R. 7313, authorizing a preliminary examination of Gafford Creek, Ark.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Gafford Creek, Ark., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC LANDS TO THE WILLAMETTE NATIONAL FOREST

The Clerk called the next bill, H. R. 1418, to authorize an extension of exchange authority and addition of public lands to the Willamette National Forest in the State of Oregon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MOTT. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill, S. 462.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That any lands which are in private ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090), and upon acceptance of title shall become parts of the Willamette National Forest; and, by proclamation of the President of the United States and upon recommendation of the Secretary of Agriculture, any lands in public ownership within such described area, not now within the national forest, found to be chiefly valuable for national-forest purposes, may be added to the Willamette National Forest, subject to any valid existing claims: Townships 16 and 17 south, ranges 3 and 4 east, and sections 31, 32, 33, 34, 35, and 36 in township 15 south, range 3 east, of the Willamette meridian.

Mr. MOTT. Mr. Speaker, I would like to inquire if section 2 of the House bill is included in the Senate bill?

The SPEAKER pro tempore. It is not.

Mr. MOTT. Then I offer an amendment to the Senate bill to insert section 2 of the House bill.

The Clerk read as follows:

Amendment offered by Mr. Mott: On page 2 of the Senate bill, after line 9, insert a new section to be known as section 2, to read as follows:

"Sec. 2. Any lands within the above-described area which are part of the land grant to the Oregon and California Railroad Co., title to which revested in the United States under act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant."

The amendment was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House bill H. R. 1418, was laid on the table.

SISKIYOU NATIONAL FOREST, OREG.

The Clerk called the next bill, H. R. 7164, to add certain lands to the Siskiyou National Forest in the State of Oregon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MOTT. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1513, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the boundaries of the Siskiyou National Forest, in the State of Oregon, are hereby extended to include the following-described lands, subject to valid existing rights:

Section 31, township 30 south, range 9 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, township 31 south, range 9 west.

Sections 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 30 south, range 10 west.

All of township 31 south, range 10 west.

Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 31 south, range 11 west.

All of Willamette meridian.

Sec. 2. Lands hereafter conveyed to the United States within the above-described area upon acceptance of title shall become parts of the said Siskiyou National Forest and subject to all laws relating thereto. Any lands within the above-described area which are part of the land grant to the Oregon & California Railroad Co. title to which revested in the United States under the act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House bill H. R. 7164, was laid on the table.

The SPEAKER pro tempore. The Chair is advised that that is the last bill on which the committee is prepared.

Mr. ZIONCHECK. That is correct.

GRAIN FUTURES ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures ex-

changes, to limit or abolish short selling, to curb manipulation, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. JONES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Andrew, Mass.	Dear	Kahn	Rogers, N. H.
Andrews, N. Y.	Dickstein	Kee	Russell
Bankhead	Dirksen	Keller	Ryan
Barden	Dondero	Kennedy, Md.	Sabath
Beam	Doughton	Kennedy, N. Y.	Sanders, La.
Biermann	Doutrich	Kerr	Sanders, Tex.
Bland	Driscoll	Kopplemann	Sandlin
Brennan	Driver	Lambertson	Schulte
Brown, Mich.	Dunn, Miss.	Lamneck	Scott
Buck	Faddis	Lehlbach	Shannon
Buckley, N. Y.	Ferguson	Lloyd	Smith, Va.
Burch	Fiesinger	Lundeen	Smith, W. Va.
Cannon, Mo.	Ford, Calif.	McClellan	Somers, N. Y.
Cannon, Wis.	Frey	Mahon	Stack
Carden	Gambrill	Mansfield	Stegall
Carmichael	Gasque	Miller	Stewart
Casey	Gassaway	Montet	Sweeney
Celler	Gifford	Murdock	Taylor, S. C.
Chandler	Gray, Pa.	Nelson	Taylor, Tenn.
Clark, Idaho	Greenwood	Norton	Thomas
Clark, N. C.	Hancock, N. C.	Oliver	Tobey
Cochran	Hartley	Palmisano	Treadway
Coffee	Hennings	Perkins	Underwood
Connery	Hess	Peyser	Wadsworth
Cooper, Ohio	Higgins, Conn.	Pittenger	Wigglesworth
Cooper, Tenn.	Hill, Samuel B.	Ransley	Wilson, Pa.
Corning	Hollister	Rayburn	Wood
Crowther	Jacobsen	Reed, N. Y.	Zimmerman
Darrow	Johnson, Okla.	Reilly	

The SPEAKER. Three hundred and fourteen Members are present, a quorum.

On motion of Mr. JONES, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Interstate and Foreign Commerce, appointed by the committee to consider proposed legislation with reference to the long-and-short-haul clause of the Interstate Commerce Act, may be permitted to sit during the sessions of the House this week.

Mr. HOLMES. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the subcommittee when he plans to hold hearings, whether in the morning and the afternoon, and on what date they will start.

Mr. PETTENGILL. At the convenience of the committee. I have not called the committee together, but it will be at the convenience of the committee.

Mr. HOLMES. The gentleman is asking permission for the committee to sit during sessions of the House afternoons this week?

Mr. PETTENGILL. Yes; if it is agreeable to the committee.

Mr. MAPES. Mr. Speaker, reserving the right to object, I did not understand what subcommittee it was.

Mr. PETTENGILL. A subcommittee appointed by the Committee on Interstate and Foreign Commerce to consider bills introduced by the gentleman from Illinois [Mr. DIRKSEN], the gentleman from Texas [Mr. RAYBURN], and myself, with reference to the long-and-short-haul clause of the Interstate Commerce Act.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE GREAT AMERICAN AND SOUTHERN GENTLEMAN, GEN. ROBERT E. LEE

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, as a southerner, coming from the great State of South Carolina, of whose citizens many have made history in defending the rights of the people and

the flag of the United States, I cannot remain silent when the name of our renowned fellow citizen, Gen. Robert E. Lee, is being attacked. I note that the ladies of the Massachusetts Women's Relief Corps of the G. A. R. are opposing the proposal to erect a monument to General Lee in the Arlington National Cemetery, where his body now rests peacefully beneath the soil of his own estate.

When, oh, when! will the people of New England—perhaps the only section of this great Republic still fostering in their hearts a prejudice toward the South and her distinguished statesmen who took part in the war of 1861–65 against the Union—wipe this from their hearts?

I agree with the editor of the Herald Tribune of New York in a statement carried in his paper recently:

The ladies of the Massachusetts Women's Relief Corps of the G. A. R. show a relentlessness worthy of a better cause and a sectionalism that should be obsolete in attacking the proposal to erect a monument to Gen. Robert E. Lee in the Arlington National Cemetery. It is a safe assumption that their stand would not be upheld by many of the survivors of the armies that fought against Lee.

When all the arguments on their side have been recited their opposition still appears uncharitable. Granted that he was the leading general in the Confederate Army; granted that he, a graduate of the United States Military Academy and an officer in the United States Army, resigned to fight against that Army; granted that the cemetery at Arlington was created as a special resting place for Union soldiers and others who later served the Union in high office; yet Lee was a great American, a great soldier and a gallant gentleman. There can be few of those who lie in the Arlington Cemetery today who did not recognize these traits of General Lee. Furthermore, did not the very acres in which most of them now lie at one time belong to Robert E. Lee? Do they not, also, have associations with the family of General Washington? Northerners join with southerners in admitting today that Lee was one of the rare Americans worthy of standing in the company of the great first President.

The ladies of Massachusetts who are opposed to the erection of a statue of the Confederate leader would do well to visit some of the English colleges. There they will see tablets erected even during the World War to the memory of German comrades who died fighting against their English fellow students. Surely, if the English could be thus tolerant toward the Germans in the midst of war, the Women's Relief Corps of Massachusetts, 70 years after the Confederate war ended ought to be able to bury their prejudices and join in paying tribute to a man whom the soldiers of the Republic hailed as a great leader on the opposing side.

We of the South realize that the attack against the proposal of erecting this monument is purely a manifestation of a deep-rooted prejudice and sectional animosity. It would be well for those who make these unreasonable and unfair attacks to read from the records of the Congressional Library the life and character of this outstanding American. Resigning from his position as an officer of the United States Army to take an active part in defending the South—of which he was a part—bespeaks in no uncertain words his type of citizen, one who would sacrifice all, his life, if you please, for his country and his people. Would to God we had men today who would emulate the life and character of the great Lee.

The records will show that the war had scarcely ceased and his condition of narrow circumstances become known when offers of places of honor and profit began to come to him—offers of the presidency of insurance companies and of other industrial enterprises—proposals that he should allow his name to be used for the highest office in the gift of the State; even offers from admirers in the old country of an asylum on that side of the water, where a handsome estate was tendered him as a tribute of admiration, so that he could spend the residue of his life in peace and comfort.

His reply to all these allurements was that which we now know was the only one he could make—a gracious and irrevocable refusal. During the war, when a friend had suggested to him the probability that the people of the South would demand that he should be their president, he promptly and decisively declared that he would never accept such a position. So now, when the governorship of Virginia was proposed to him he firmly refused to consider it. With the same firmness he rejected all proposals to provide him with honorable commercial positions at a high salary.

On one of these occasions he was approached with a tender of the presidency of an insurance company at a salary of

\$50,000 a year. He declined it on the ground that it was work with which he was not familiar. "But, General", said the gentleman who represented the insurance company, "you will not be expected to do any work; what we wish is the use of your name."

"Do you not think", said General Lee, "that if my name is worth \$50,000 a year, I ought to be very careful about taking care of it?"

I wish to quote from a letter addressed to the president of the Southern Life Insurance Co., of Atlanta, Ga.:

LEXINGTON, VA., December 14, 1869.

Gen. J. B. GORDON,
President Southern Life Insurance Co.,
Atlanta, Ga.

MY DEAR GENERAL: I have received your letter of the 3d instant, and am duly sensible of the kind feelings which prompted your proposal. It would be a great pleasure to me to be associated with you, Hampton, B. H. Hill, and the other good men whose names I see on your list of directors, but I feel that I ought not to abandon the position I hold at Washington College at this time, or as long as I can be of service to it. Thanking you for your kind consideration, for which I know I am alone indebted for your proposition to become president of the Southern Life Insurance Co., and with kindest regards to Mrs. Gordon and my best wishes for yourself, I am,

Very truly yours,

R. E. LEE.

His correspondence shows that many like propositions were made to him.

During my past 15 years' service in Congress we have had at least two ex-Presidents of the United States who did not turn down similar offers. One of these men comes from New England.

Amid the commercialism of this present age, the correspondence of Gen. Robert E. Lee—wherein he refused to sell his good name—sounds as refreshing as the oath of a Knight of the Round Table.

Assuring it is to know that—

Dead he is not, but departed,
For the patriot never dies.

GRAIN FUTURES ACT

The SPEAKER. The gentleman from Texas moves to suspend the rules and pass the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, which the Clerk will report.

The Clerk read as follows:

A bill to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes

Be it enacted, etc., That section 1 of the Grain Futures Act (U. S. C., title 7, sec. 1) is amended to read as follows: "This act may be cited as the 'Commodity Exchange Act.'"

Sec. 2. The Grain Futures Act (U. S. C., title 7, secs. 1 to 17, inclusive) is amended by striking out the word "grain" wherever it appears in such act and inserting in lieu thereof "commodity", "any commodity", or "commodities", as the case may require, and by striking out the phrase "cash grain" wherever such phrase appears and inserting in lieu thereof "any cash commodity."

Sec. 3. Section 2 of the Grain Futures Act (U. S. C., title 7, sec. 2) is amended by—

(a) striking out the third sentence of paragraph (a) and inserting in lieu thereof the following: "The word 'commodity' shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, and eggs."; and

(b) adding at the end of paragraph (a) the following sentences: "The words 'cooperative association of producers' shall mean any cooperative association, corporate or otherwise, not less than 50 percent owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with an act of Congress of February 18, 1922 (U. S. C., title 7, secs. 291 and 292), as now or hereafter amended, including any organization acting for a group of such associations and owned or controlled by such associations, provided that business done for the United States of America, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with said act of Congress of February 18, 1922. The words 'member of a contract market' shall mean and include individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or

given members' trading privileges thereon. The words 'futures commission merchant' shall mean and include individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom. The words 'floor broker' shall mean any person who, in or surrounding any 'pit', 'ring', 'post', or other place provided by a contract market for the meeting of persons similarly engaged, shall engage in executing for others any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market, and who for such services receives or accepts any commission or other compensation. The words 'the commission' shall mean the Commodity Exchange Commission, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General."

Sec. 4. Section 4 of the Grain Futures Act (U. S. C., title 7, sec. 6) is amended by—

(a) striking out the word "except" at the end of the first paragraph;

(b) striking out all of paragraph (a); and

(c) striking out the parenthesis and letter "b" and the word "Where" at the beginning of paragraph (b) and inserting in lieu thereof the words "except, in any of the foregoing cases, where".

Sec. 5. The Grain Futures Act is amended by adding, after section 4 (U. S. C., title 7, sec. 6) the following new sections:

"Sec. 4a. (1) Excessive speculation in any commodity under contracts of sale of such commodity for future delivery made on or subject to the rules of contract markets causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity. For the purpose of diminishing, eliminating, or preventing such burden, the commission shall, from time to time, after due notice and opportunity for hearing, by order, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as the commission finds is necessary to diminish, eliminate, or prevent such burden. Nothing in this section shall be construed to prohibit the commission from fixing different trading limits for different commodities, markets, futures, or delivery months, or different trading limits for buying and selling operations, or different limits for the purposes of subparagraphs (A) and (B) of this section, or from exempting transactions commonly known to the trade as 'spreads' or 'straddles' or from fixing trading limits applying to such transactions different from trading limits fixed for other transactions.

"(2) The commission shall, in such order, fix a reasonable time (not to exceed 10 days) after the order's promulgation; after which, and until such order is suspended, modified, or revoked, it shall be unlawful for any person—

"(A) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of the contract market or markets to which the order applies, any amount of such commodity during any one business day in excess of any trading limit fixed for one business day by the commission in such order for or with respect to such commodity; or

"(B) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, any amount of such commodity that shall result in giving such person a net long or net short position at any one time in or with respect to any such commodity in excess of any trading limit fixed by the commission for net long or net short position in such order for or with respect to such commodity."

"(3) No order issued under paragraph (1) of this section shall apply to transactions which are shown to be bona fide hedging transactions. For the purposes of this paragraph, bona fide hedging transactions shall mean sales of any commodity for future delivery on or subject to the rules of any board of trade to the extent that such sales are offset in quantity by the ownership or purchase of the same cash commodity or, conversely, purchases of any commodity for future delivery on or subject to the rules of any board of trade to the extent that such purchases are offset by sales of the same cash commodity. There shall be included in the amount of any commodity which may be hedged by any person—

"(A) the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next 12 months, on land (in the United States or its Territories) which such person owns or leases;

"(B) an amount of such commodity the sale of which for future delivery would be a reasonable hedge against the products or byproducts of such commodity owned or purchased by such person, or the purchase of which for future delivery would be a reasonable hedge against the sale of any product or byproduct of such commodity by such person.

"(4) This section shall apply to a person that is registered as a futures commission merchant or as floor broker under authority of this act only to the extent that transactions made by such person are made on behalf of or for the account or benefit or such person. This section shall not apply to transaction made by, or on behalf of, or at the direction of, the United States, or a duly authorized agency thereof.

"Sec. 4b. It shall be unlawful for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of (1) any contract of sale of any commodity in interstate commerce, or (2) any contract of sale of any commodity for future delivery made, or to be made, on or subject to the rules of any contract market for or on behalf of any person if such contract for future delivery is or may be used for (a) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (b) determining the price basis of any transaction in interstate commerce in such commodity, or (c) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof—

"(A) to cheat or defraud or attempt to cheat or defraud such person;

"(B) willfully to make or cause to be made to such person any false report or statement thereof, or willfully to enter or cause to be entered for such person any false record thereof;

"(C) willfully to deceive or attempt to deceive such person by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract, or in regard to any act of agency performed with respect to such order or contract for such person; or

"(D) to bucket such order, or to fill such order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such person to become the buyer in respect to any selling order of such person, or become the seller in respect to any buying order of such person.

"Sec. 4c. It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of, any transaction involving any commodity, which is or may be used for (1) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (2) determining the price basis of any such transaction in interstate commerce in such commodity, or (3) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof—

"(A) if such transaction is, is of the character of, or is commonly known to the trade as, a 'wash sale', 'cross trade', or 'accommodation trade', or is a fictitious sale;

"(B) if such transaction is, is of the character of, or is commonly known to the trade as, a 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty', or

"(C) if such transaction is used to cause any price to be reported, registered, or recorded which is not a true and bona fide price.

"Nothing in this section shall be construed to prevent the exchange of futures in connection with cash commodity transactions or of futures for cash commodities, or of transfer trades or office trades if made in accordance with board of trade rules applying to such transactions and such rules shall not have been disapproved by the Secretary of Agriculture. Nothing in this section or section 4b shall be construed to impair any State law applicable to any transaction enumerated or described in such sections.

"Sec. 4d. It shall be unlawful for any person to engage as futures commission merchant in soliciting orders or accepting orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless—

"(1) such person shall have registered, under this act, with the Secretary of Agriculture as such futures commission merchant and such registration shall not have expired nor been suspended nor revoked; and

"(2) such person shall, whether a member or nonmember of a contract market, treat and deal with all money, securities, and property received by such person to margin, guarantee, or secure the trades or contracts of any customer of such person or accruing to such customer as the result of such trades or contracts as belonging to such customer. Such money, securities, and property shall not be used to margin or guarantee the trades or contracts, or to secure or extend the credit, of any customer or person other than the one for whom the same are held: *Provided, however*, That such money, securities, and property may be deposited or pledged separately and apart from, or commingled with, the deposits and pledges of such futures commission merchant with any bank or trust company and that such share thereof as shall be necessary to margin, guarantee, or secure the contracts or trades of such customer carried with the clearing-house organization of such contract market or with a member of such contract market, may be deposited or pledged with such clearing-house organization or with such member.

"Sec. 4e. It shall be unlawful for any person to act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this act, with the Secretary of Agriculture as such floor broker and such registration shall not have expired nor been suspended nor revoked.

"Sec. 4f. (1) Any person desiring to register as futures commission merchant or as floor broker hereunder shall be registered upon application to the Secretary of Agriculture, which application shall be made in form and manner to be prescribed by the Secretary of Agriculture, giving such information and facts as the Secretary of Agriculture may deem necessary concerning the business in which the applicant is or will be engaged, including, in the case of applications of futures commission merchants, the names and addresses of the managers of all branch offices and of all correspondents and agents engaged in soliciting or accepting on behalf of such applicant any orders for the purchase or sale of any

commodity for futures delivery on or subject to the rules of any board of trade, and including also the names of its officers and partners, if a partnership, and of its officers, directors, and stockholders, as the Secretary of Agriculture may direct. If a corporation. Such person, when registered hereunder, shall likewise continue to report and furnish to the Secretary of Agriculture the above-mentioned information and such other information pertaining to his business as the Secretary of Agriculture may require. All registrations shall expire on the 31st day of December of the year for which issued.

"(2) Any person registered as futures commission merchant hereunder shall post in a conspicuous place in each of the offices maintained by such person in the United States in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or duplicate copy (issued by the Secretary of Agriculture) of such person's registration certificate as such futures commission merchant.

"Sec. 4g. If any person registered hereunder as futures commission merchant or floor broker shall violate any of the provisions of this act, or any of the rules or regulations of the Secretary of Agriculture hereunder, or shall fail or refuse to make any report required by the Secretary of Agriculture regarding the transactions of such person, or the transactions of the customers thereof, in commodities for future delivery on any board of trade in the United States or elsewhere, or shall fail or refuse to keep the books and records pertaining to such transactions in the form and manner required by the Secretary of Agriculture, or shall fail or refuse to keep such books and records open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice, the registration of such person may be suspended or revoked after notice and hearing in accordance with the procedure and subject to the judicial review provided in paragraph (b) of section 6 of this act.

"Sec. 4h. It shall be unlawful for any person—

"(1) to conduct any office or place of business anywhere in the United States or its territories for the purpose of soliciting or accepting any orders for the purchase or sale of any commodity for future delivery, or for making or offering to make any contracts for the purchase or sale of any commodity for future delivery, or for conducting any dealings in commodities for future delivery that are or may be used for—

(A) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or

(B) determining the price basis of any such transaction in interstate commerce, or

(C) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof, if such orders, contracts, or dealings are executed or consummated otherwise than by or through a member of a contract market; or

"(2) falsely to represent such person to be a member of a contract market, or the representative or agent of such member, or to be a futures commission merchant registered under this act, or the agent of such registered futures commission merchant, in soliciting or handling any order or contract for the purchase or sale of any commodity in interstate commerce or for future delivery, or falsely to represent in connection with the handling of any such order or contract that the same is to be or has been executed on, or by or through any member of, any contract market.

"Sec. 4i. It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market unless such person shall report or cause to be reported to the properly designated officer in accordance with the rules and regulations of the Secretary of Agriculture (1) whenever such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture; and (2) whenever such person shall directly or indirectly have or obtain a long or short position in any commodity or in any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture. Such person shall also keep books and records of transactions coming within the provisions of (1) and (2) hereof, which books and records shall show complete details concerning all such transactions, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice."

Sec. 6. Section 5 of the Grain Futures Act (U. S. C., title 7, sec. 7) is amended by—

(a) striking out the word "purpose." at the end of paragraph (a) and inserting in lieu thereof the following: "purpose: *Provided*, That any board of trade not so located shall be designated as a 'contract market' if such board of trade provides for the delivery of commodities on such contracts at a delivery point or points and upon terms and conditions approved by the Secretary of Agriculture."; and

(b) striking out the word "or" after the word "prices" in paragraph (d) and inserting in lieu thereof the word "and."

Sec. 7. The Grain Futures Act is amended by adding after section 5 (U. S. C., title 7, sec. 7) the following new sections:

"Sec. 5a. Each contract market shall—

"(1) promptly furnish the Secretary of Agriculture copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof or any committee, and of all changes and proposed changes therein;

"(2) allow inspection at all times by any authorized representative of the United States Department of Agriculture or United States Department of Justice of the books, records, and all minutes and journals of proceedings of such contract market, its governing board and all committees, and of all subsidiaries and affiliates of such contract market, which books, records, minutes, and journals of proceedings shall be kept for a period of 3 years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct;

"(3) when so directed by the Secretary of Agriculture, require the operators of warehouses in which or out of which any commodity is deliverable on any contract for future delivery made on or subject to the rules of such contract market, to make such reports, keep such records, and permit such warehouse visitation as the Secretary of Agriculture may prescribe. Such books and records shall be required to be kept for a period of 3 years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and such books, records, and warehouses shall be open at all times to inspection by any representative of the United States Department of Agriculture or United States Department of Justice;

"(4) when so directed by order of the Secretary of Agriculture, provide for a period, after trading in contracts of sale of any commodity for future delivery in a delivery month has ceased, during which contracts of sale of such commodity for future delivery in such month may be satisfied by the delivery of the actual cash commodity. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that provision for such a period of delivery for any one or more commodities or markets would prevent or tend to prevent 'squeezes' and market congestion endangering price stability, he shall, by order, require such period of delivery (which shall be not less than 3 nor more than 10 business days) applicable to such commodities and markets as he finds will prevent or tend to prevent such 'squeezes' and market congestion;

"(5) require the party making delivery of any commodity on any contract of sale of such commodity for future delivery to furnish the party obligated under the contract to accept delivery, written notice of the date of delivery, at least 3 business days prior to such date. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that the giving of longer notice of delivery is necessary to prevent or diminish unfair practices in trading in any one or more commodities or markets, he shall by order require such longer notice of delivery (which shall be not more than 10 business days) applicable to such commodities and markets as he finds will prevent or diminish such unfair practices; and

"(6) require that all contracts of sale of any commodity for future delivery on such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards, if such standards shall have been officially promulgated.

"Sec. 5b. The failure or refusal of any board of trade to comply with any of the provisions of this act, or any of the rules and regulations of the Secretary of Agriculture thereunder, shall be cause for suspending for a period not to exceed 6 months or revoking the designation of such board of trade as a 'contract market' in accordance with the procedure and subject to the judicial review provided in paragraph (a) of section 6 of this act."

Sec. 8. Section 6 of the Grain Futures Act (U. S. C., title 7, secs. 8, 9, 10, and 15) is amended by—

(a) striking out the first sentence of paragraph (b) and inserting in lieu thereof the following: "If the Secretary of Agriculture has reason to believe that any person (other than a contract market) is violating or has violated any of the provisions of this act, or any of the rules and regulations made pursuant to its requirements, or has manipulated or is attempting to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any board of trade, he may serve upon such person a complaint stating his charges in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than 3 days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the Secretary of Agriculture refuse all trading privileges to such person, and to show cause why the registration of such person, if registered as futures commission merchant or as floor broker hereunder, should not be suspended or revoked";

(b) striking out the words "said commission" after the words "before the" in the second sentence of paragraph (b) and inserting in lieu thereof "Secretary of Agriculture";

(c) striking out the word "who" in the second sentence of paragraph (b) and inserting in lieu thereof "which referee";

(d) striking out the words "as chairman of the said commission" in the second sentence of paragraph (b) after the words "to the Secretary of Agriculture";

(e) striking out the words and numerals "of section 12" after the word "penalties," and in the third sentence of paragraph (b);

(f) inserting, after the word "amended" in the third sentence of paragraph (b) the following: "and supplemented (U. S. C., title 49, secs. 12, 46, 47, and 48)";

(g) striking out the word "or" after the word "commission", in the third sentence of paragraph (b) and inserting in lieu thereof the word "and";

(h) striking out the fourth sentence of paragraph (b) and inserting in lieu thereof the following: "Upon evidence received,

the Secretary of Agriculture may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in the order, and, if such person is registered as futures-commission merchant or as floor broker hereunder, may suspend, for a period not to exceed 6 months, or revoke, the registration of such person."

(i) striking out the word "commission" wherever it appears in the sixth, seventh, and eighth sentences of paragraph (b) and inserting in lieu thereof the words "Secretary of Agriculture";

(j) striking out the words "its chairman or to any member thereof" after the word "to" in the seventh sentence of paragraph (b) and inserting in lieu thereof the word "him"; and

(k) striking out the word "Code" at the end of paragraph (b) and inserting the following: "Code, as amended".

Sec. 9. The Grain Futures Act is amended by adding after section 6 (U. S. C., title 7, secs. 8, 9, 10, and 15) the following new sections:

"Sec. 6a. (1) No board of trade which has been designated as a 'contract market' shall exclude from membership in, and all privileges on, such board of trade, any association or corporation engaged in cash commodity business having adequate financial responsibility which is organized under the cooperative laws of any State, or which has been recognized as a cooperative association of producers by the United States Government or by any agency thereof, if such association or corporation complies and agrees to comply with such terms and conditions as are or may be imposed lawfully upon other members of such board, and as are or may be imposed lawfully upon a cooperative association of producers engaged in cash commodity business, unless such board of trade is authorized by the commission to exclude such association or corporation from membership and privileges after hearing held upon at least 3 days' notice subsequent to the filing of complaint by the board of trade. Such commission may prescribe that such association or corporation shall have and retain membership and privileges, with or without imposing conditions, or it may permit such board of trade immediately to bar such association or corporation from membership and privileges. Any order of said commission entered hereunder shall be reviewable by the circuit court of appeals for the circuit in which such association or corporation, or such board of trade, has its principal place of business, on written petition either of such association or corporation, or of such board of trade, under the procedure provided in paragraph (a) of section 6 of this act, but such order shall not be stayed by the court pending review.

"(2) No rule of any board of trade designated as a 'contract market' shall forbid or be construed to forbid the payment of compensation on a commodity unit basis or otherwise, by any such cooperative association to its regional or local member associations for business received by such cooperative association provided no part of any such compensation other than amounts paid as dividends on capital stock is returned to produced patrons of such regional or local member associations otherwise than on a patronage basis and not more frequently than annually; nor shall the governing body of any board of trade designated as a contract market exclude from membership in, and all privileges on, such board of trade, any duly authorized representative, of any cooperative association, as herein defined, which is otherwise qualified, because of the payment of such compensation.

"Sec. 6b. If any board of trade, or any director, officer, agent, or employee of any board of trade is violating or has violated any of the provisions of this act or any of the rules or regulations of the Secretary of Agriculture thereunder, or any order issued by the commission pursuant to any provision of this act, the commission, in lieu of revoking the designation of such board of trade as a 'contract market' may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this act, make and enter an order directing that such board of trade, director, officer, agent, or employee shall cease and desist from such violation or violations, and if such board of trade, director, officer, agent, or employee, thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such board of trade, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000 or imprisoned for not less than 6 months nor more than 1 year, or both. Each day during which such failure or refusal to obey such order continues shall be deemed a separate offense."

Sec. 10. The Grain Futures Act is amended by adding after section 8 (U. S. C., title 7, sec. 12) the following new section:

"Sec. 8a. The Secretary of Agriculture is authorized—

"(1) to register futures commission merchants and floor brokers upon application in accordance with rules and regulations in and form and manner to be prescribed by the Secretary of Agriculture; and

"(2) to refuse to register any person if such person has violated any of the provisions of this act or any of the rules or regulations promulgated by the Secretary of Agriculture hereunder for which the registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked; and

"(3) to suspend or revoke the registration of any futures-commission merchant who shall knowingly accept any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market from any person if such person has been denied trading privileges on any contract market by order of the Secretary of Agriculture under the provisions of

paragraph (b) of section 6 of this act and the period of denial specified in such order shall not have expired; and

"(4) to fix and establish from time to time fees and charges for registrations and renewals thereof and for copies of registration certificates, not to exceed \$10 for each such registration, renewal, or copy; and

"(5) to make and promulgate such rules and regulations as, in the judgment of the Secretary of Agriculture, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this act; and

"(6) to communicate to the proper committee or officer of any contract market and to publish, notwithstanding the provisions of section 8 of this act, the full facts concerning any transaction or market operation, including the names of parties thereto, which in the judgment of the Secretary of Agriculture disrupts or tends to disrupt any market or is otherwise harmful or against the best interests of producers and consumers."

Sec. 11. Section 9 of the Grain Futures Act (U. S. C., title 7, sec. 13) is amended by:

(a) striking out the word "section" and the numeral "4" and inserting in lieu thereof the following: "section 4, section 4a, section 4b, section 4c, section 4d, section 4e, section 4h, or section 4i";

(b) inserting after the comma following the word "act" the following: "or who shall manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any board of trade, or who shall corner or attempt to corner any such commodity";

(c) striking out the words "said section" after the words "mentioned in" and inserting in lieu thereof the words "section 4 of this act"; and

(d) inserting after the word "deliver" the words "or cause to be delivered."

Sec. 12. If any provision of this act which is amendatory of any section of the Grain Futures Act, or the application thereof to any person or circumstances is held invalid, the provisions of the section of the Grain Futures Act which is amended by such provision of this act shall apply to such person or circumstances. No proceeding shall be abated by reason of any amendment to the Grain Futures Act made by this act but shall be disposed of pursuant to this act.

Sec. 13. This act shall take effect 90 days after the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. HOPE. Mr. Speaker, I demand a second.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Speaker, this measure provides certain amendments to the Grain Futures Act and includes certain other commodities. It is practically the same bill that was passed by the House during the last session of Congress. It was not passed by the Senate. It is similar to the bill which was passed some years ago. It stipulates certain amendments that have been found essential to proper control of dealing in grain futures. The bill also includes cotton and some other commodities.

The bill carries, as does the Grain Futures Act, the same definition of commerce that has been approved by the Supreme Court, so there is no trouble on this basis.

The bill undertakes to check manipulations of markets by certain big traders. During the last 15 years about 16 big traders in grain have from time to time taken advantage of unusual conditions to make raids upon the market and to rig the market to the detriment not only of the producer but also of all others engaged in legitimate transactions in various farm commodities.

The passage of the Stock Exchange Act makes all the more essential some additional amendments to the Commodity Exchange Act. This becomes now the Commodity Exchange Act. There was a disposition on the part of some of those who had speculated in the other markets to transfer their activities to the commodity markets.

The bill provides that the Commission which was established in the original act shall have the power to limit the net-short position or the net-speculative position of any one of these big traders at any time so as to avoid manipulation of the market.

The bill does another thing which some recent experiences on the Chicago Board of Trade showed to be very essential. The margins or purchase money that is put up by the various purchasers are now used by those who deal on the market. This bill makes a trust fund out of those funds so they

are held for the benefit of those who handle the actual commodity. That together with the abolishing of cross trades, accommodation trades, wash sales, and fictitious sales about covers the general purpose of the bill.

The committee report, which is available to all Members, discusses in detail the various provisions of the bill and explains their purpose and effect.

Mr. MAY. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Kentucky.

Mr. MAY. May I ask the gentleman if this bill raises the barriers on the market and are its provisions in accord with the recent Supreme Court decision?

Mr. JONES. It is my opinion that it will tend to limit some of the outrageous activities that have been going on, and I believe that it will come within the terms of the decision of the United States Supreme Court, because the United States Supreme Court in the case of Board of Trade against Olson has approved the very definition we use here.

Mr. CRAWFORD. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Michigan.

Mr. CRAWFORD. May I ask the gentleman a question with reference to the committee report on page 9 and the language, as follows:

The word "commodity" shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain, sorghum, mill feeds, butter, and eggs.

Are those the commodities which the bill purports to control?

Mr. JONES. Yes. Most of those are in the bill at the present time. There are some three or four additional ones, including cotton.

Mr. CRAWFORD. Will the Secretary of Agriculture have sole control over these operations?

Mr. JONES. He will have charge of the administration of the act; however, when it comes to the larger powers of limiting the net speculative position, he must be joined in his action by the Secretary of Commerce and the Attorney General, composing a commission of three, including the Secretary of Agriculture.

Mr. CRAWFORD. I have not had time to read this bill and did not know it was coming up today. Very hurriedly I notice it refers to some commission. What commission is that?

Mr. JONES. That is a commission composed of the Attorney General, the Secretary of Commerce, and the Secretary of Agriculture who in the original act were given certain of the larger powers in order to safeguard this matter. That is carried forward in this act, so that the additional power of limiting the speculative position must go to the commission rather than be finally determined by the Secretary of Agriculture.

Mr. CRAWFORD. Is this bill so drawn that under the rules and regulations of that commission the Secretary could prevent me from selling short in the market and thus tend to rig the market?

Mr. JONES. Beyond a certain point it may be fixed by this commission. They may fix a net speculative position you may occupy at any one time in the way of a short position.

Mr. CRAWFORD. Referring to pages 6 and 7 of the act, as I understand it, there is nothing in the bill, or intended to be, giving power to the commission to prevent me, a grower of any of these commodities, from hedging my growing operations?

Mr. JONES. Not in any way. He may sell or deliver anything he may possess without any hindrance by this bill.

Mr. CRAWFORD. I may hedge either way, either on purchases I may make or sales I may make?

Mr. JONES. Yes.

Mr. CRAWFORD. I thank the gentleman.

Mr. JONES. Mr. Speaker, I reserve the balance of my time.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, a very hurried reference to this bill leads me to believe there are some fine features

in the act, and if carried out along the lines suggested will be beneficial to a great many of our farm people. However, there is one commodity that I am somewhat amazed this bill does not cover. I refer to sugar.

This is due to the fact that many of our people are now tied up through the Jones-Costigan Sugar Act in the sugar picture in a rather definite marketing manner. As an illustration of how these market operators may play on the purse strings of the farmers with reference to this one crop, may I say that just the other day when the President in his press announcement said "back to the horse and buggy age, 5-cent cotton, and 36-cent wheat", he loosed a bearish rumor which enabled the sugar speculators to create the greatest rout in sugar in 15 years. I am informed the market was a bedlam, and only stopped because one position on the futures board went the limit of daily fluctuations of 25 points. I am also informed the President's statement will go down in history as one of the most unfortunate ever made by a public official, and, of course, it affected the purse of every American farmer engaged in growing sugarcane and sugar beets. This is due to the fact these farmers receive payment for their crop based on the net price received for the sugar when sold. Net change during the week in the market—on sugar futures—ranged downward from 38 to 41 points, depending upon the position of the seller or the month in which the contract was to be filled.

That was a direct attack on the purse of the farmers of this country, as well as those of Puerto Rico and Hawaii, who are growing sugar in the form of sugarcane and sugar beets.

May I take just a moment to illustrate that situation? Suppose I was a wholesale jobber at that particular time with 50,000 bags of sugar on my floor which I expect to sell during the sugar-consuming months of July, August, and September for the purpose of canning fruits and vegetables. There is a drop in the futures market. I may actually sell sugar from my floor and hedge on the sugar futures market at the low price, or I might become stampeded into selling sugar in a disastrous way to the general sugar trade and with these 50,000 bags bring about a decline on five or ten million bags of sugar that may be in the warehouses of the sugar manufacturers of Florida, Michigan, Idaho, Colorado, Utah, or California, which sugar is there at the risk of the farmers of the United States who are participating in the price of sugar.

And all because the President releases a press statement which the speculators can use for the purpose of raiding the market through selling "short" or in some other manner.

On account of the President's statement, leading to a drop in futures, a large sugar processor might become bearish and start a price-cutting war which could easily cost the American farmers from 50 cents to \$1 per 100 pounds on every bag of sugar in the processors' hands at this time. These warehouse stocks at times run as high as 20,000,000 bags on beet sugar alone, to say nothing about the raw sugar in Puerto Rico and Hawaii. And on the beet sugar about one-half interest is held by the American farmers under our present program. The President made a disastrous statement for these farmers.

I realize we cannot put this in the bill today due to the bill coming up under suspension, but it seems to me that by all the rules of reason if this is a good bill, and if this control should be exercised in connection with the Securities Commission control, the Senate should include in this bill sugar-future contracts and the marketing thereof to the end that the destructive influence of the sugar exchange cannot be used against American farmers who are interested in growing sugar beets and sugar cane, as it was used only last week in connection with the inexcusable press statement released by the President and which will, without question, bring about a great loss to the American sugar grower of sugar cane and sugar beets. Large sugar operators, of course, did not say much about this as they did not want sugar included in the control of the bill. However, this product should be included for the protection of the man who grows sugar as well as grain for the man who grows grain. It would be a direct benefit to the American farmer who

grows this crop, and again I say I am amazed that the committee did not include sugar in the bill. I shall attempt to have it included by the Senate when the bill is there considered.

Mr. JONES. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. Doxey] such time as he may desire.

Mr. DOXEY. Mr. Speaker, I do not desire to go into a long discussion of this bill, as we are considering it under suspension of the rules. As a member of the committee I appreciate what the gentleman just said with reference to sugar. The Committee on Agriculture to some extent considered that matter. We do not know what the future holds out in that regard. This bill in its present form does not include sugar.

Mr. Speaker, may I say that in view of the experience we have had, not only over a long period of time, but recently, in reference to the cotton market, I have introduced a bill pertaining specifically to cotton, which is H. R. 5367. I introduced this bill in the early part of this session and designated it as the "Cotton Futures Act of 1935."

The bill now before the House incorporates many of the principles and purposes contained in my bill, which was designed to regulate only cotton exchanges. After lengthy hearings and long executive sessions on the subject, our committee decided it was best to bring out one bill including various commodities and therefore reported this bill which is known as the "Commodity Exchange Act" and includes the following commodities—wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, and eggs.

Cotton is included as one of the commodities in this bill, and if I may be permitted to incorporate the report of my committee, which I deem rather comprehensive and very explanatory of the measure, as a part of my remarks, I shall not consume any further time of the House now because I realize we want to vote on the measure. It should be passed and I feel sure we will pass it within the time allotted, as it is far-reaching and most beneficial.

The report of the Committee on Agriculture, which gave considerable thought and time to this measure, is as follows:

[House of Representatives, Rept. No. 421, 74th Cong., 1st sess.]

COMMODITY EXCHANGE ACT

The Committee on Agriculture, to whom was referred the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish speculative short selling, to curb manipulation, and for other purposes, having considered the same, report it back to the House without amendment, and recommend that the bill do pass.

GENERAL STATEMENT

The bill is an outgrowth of many years' experience in regulating the grain exchanges under the Grain Futures Act and the cotton exchanges under the Cotton Future Trading Act. Your committee has had extensive hearings on the subject during these years and has presented several bills to the House as a result of its deliberations.

This bill is substantially the same as H. R. 9623 of the Seventy-third Congress which was passed by the House June 4, 1934, too late to receive final consideration by the Senate prior to the adjournment of the Seventy-third Congress. It also incorporates many of the principles and purposes contained in the bill H. R. 5367 introduced by Mr. Doxey, which is designed to regulate cotton exchanges.

The fundamental purpose of the measure is to insure fair practice and honest dealing on the commodity exchanges and to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers and the exchanges themselves. The bill has as another objective the restoration of the primary function of the exchanges which is to furnish a market for the commodities themselves. This type of legislation should have been passed many years ago; its enactment is essential to effect a permanent recovery.

The President, in his message to Congress February 9, 1934, stated:

"The exchanges in many parts of the country which deal in securities and commodities conduct, of course, a national business because their customers live in every part of the country. The managers of these exchanges have, it is true, often taken steps to correct certain obvious abuses. We must be certain that abuses are eliminated and to this end a broad policy of national regulation is required.

"It is my belief that exchanges for dealing in securities and commodities are necessary and of definite value to our commercial and agricultural life. Nevertheless, it should be our national

policy to restrict, as far as possible, the use of these exchanges for purely speculative operations.

"I therefore recommend to the Congress the enactment of legislation providing for the regulation by the Federal Government of the operations of exchanges dealing in securities and commodities for the protection of investors, for the safeguarding of values, and, so far as it may be possible, for the elimination of unnecessary, unwise, and destructive speculation."

Again, in a letter to the Chairman of the House Committee on Interstate and Foreign Commerce, March 26, 1934, regarding proposed stock-exchange control, the President said:

"The people of this country are in overwhelming majority fully aware of the fact that unregulated speculation in securities and in commodities was one of the most important contributing factors in the artificial and unwarranted boom which had so much to do with the terrible conditions of the years following 1929.

"I have been definitely committed to definite regulation of exchanges which deal in securities and commodities. In my message I stated, 'It should be our national policy to restrict, as far as possible, the use of these exchanges for purely speculative operations.'"

Since the passage of the Securities Exchange Act of 1934 there has been observed an increasing tendency on the part of professional speculators to transfer their activities from the security markets to the commodity markets, a tendency which makes the enactment of this bill without further delay of vital importance.

The break in cotton futures prices of nearly 200 points on the 11th of this month, with no satisfactory explanation and no ready means by which an agency of the Government could ascertain the true facts, furnishes a recent demonstration of the need for regulation of the cotton futures exchanges as provided by this bill.

The theory underlying the Grain Futures Act of 1922 was that the grain exchanges would regulate themselves with Government assistance, and that, failing in this respect, contract market designation would be withdrawn and future trading would be stopped. Those administering the act felt that in many instances the penalty of closing the market was too drastic and that to invoke it would injure more innocent persons than it could punish who were responsible for exchange conduct. The record of the hearings preceding the enactment of the Grain Futures Act clearly indicates that such act was intended to serve as a preliminary measure to give the exchanges a chance to demonstrate their ability at self-government and self-regulation and to provide experience and knowledge necessary for more specific control over exchange practices. Since 1925 every Secretary of Agriculture has recommended that the act be strengthened. This bill, therefore, merely does that which, based upon experience in administering the present law, should have been done long ago.

There is nothing in the bill which will interfere with any legitimate business or normal trading activity. It simply provides for honesty in the conduct of what are important public markets. These affect vitally the interests of the people, whether they be producers or consumers of the commodities covered by the bill or whether they belong to that class of citizens who have a fondness, and perhaps some aptitude, for speculative investment in commodities and who like to test their judgment concerning values and price trends by occasional and moderate speculation therein.

While the Grain Futures Act of 1922 was designed to deal with futures trading in grains, it is common knowledge supported by evidence adduced at the hearings, that the same fundamental principles apply to futures trading in other commodities. The methods and technique of speculators are the same. Bookkeeping and accounting methods are the same and, though commission houses dealing in both commodities and securities make a sharp distinction between these two branches of the business they treat the commodities transactions of customers together, regardless of kind, and nearly always in the same account.

The bill authorizes the Commission created by the Grain Futures Act (consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General) to fix limitations upon purely speculative trades and commitments. Hedging transactions are expressly exempted. That this power of the Commission will be exercised judiciously and for the purpose merely of preventing overspeculation and a type of racketeering by a few large professional traders, may be assumed as a matter of course. As to those provisions of the bill which impose penalties for cheating and sharp practices there can be no objection except from those who desire freedom from all restraint in these matters.

CONSTITUTIONAL BASIS

Ample evidence has been presented before your committee during this and past sessions of Congress to demonstrate the close connection between the price and other aspects of marketing cash commodities in interstate commerce and futures operations on boards of trade and practices by traders and others in connection with such futures transactions. (See hearings before House Committee on Agriculture on H. R. 4545, H. R. 4661, H. R. 5883, H. R. 7007, H. R. 7235, and H. R. 7608 (72d Cong., 1st sess.), H. R. 8829 (73d Cong., 2d sess.), and the hearings held this session on H. R. 3009, which furnished the basis for the bill which is being reported.) That some of such operations and practices result in a burden on interstate commerce in the cash commodities themselves is a matter of common knowledge and the hearings referred to emphasize the fact.

Under the doctrine of *Board of Trade v. Olsen* (1923; 262 U. S. 1), which upheld the constitutionality of the Grain Futures Act, Congress has the power to regulate so as to remove the burdens and obstructions upon interstate commerce so caused, to foster

interstate commerce by making it more certain that a true, fair, and stable price will be established in futures transactions, with the result that the prices of cash commodities in interstate commerce will more accurately reflect their value and artificial obstructions to the free movement of cash commodities in interstate commerce will not exist. That the free movement of such commodities in interstate commerce is a matter of vital national concern is undoubted.

Your committee has been careful in the sections of the bill dealing with administrative proceedings to preserve for persons affected by its provisions the familiar rights of notice and hearing and the protection of judicial review of administrative action guaranteed by the Constitution. Further, it is believed that the standards for administrative action contained in the Grain Futures Act, as it now exists, and the standards inserted in the new provisions proposed to be added by the bill, are adequate to furnish definite and reasonable guides to administrative officers so that the proposed legislation will not suffer from the constitutional infirmity of invalid delegation of legislative power. Particular attention has been devoted in the bill to conforming to the principles announced by the Supreme Court in the *Amazon* and *Panama Refining* cases.

EXPLANATION OF THE BILL

Section 1 of the bill amends section 1 of the Grain Futures Act so that the short title of that act is changed to the "Commodity Exchange Act."

Section 2 makes the general clerical amendments to the Grain Futures Act which are required by the amendment to that act made by section 3 (a) of the bill. Section 3 (a) adds cotton, rice, mill feeds, butter, and eggs to the commodities subject to the provisions of the act and clarifies the act by substituting "flaxseed" for "flax" and "grain sorghums" for "sorghum."

Section 3 (b) amends section 2 (a) of the Grain Futures Act by adding definitions of new terms used in the Grain Futures Act as proposed to be amended by this bill. A "cooperative association of producers" is defined to mean a cooperative association not less than 50 percent owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with the Capper-Volstead Act, and to include any organization acting for a group of such associations and owned or controlled by them, and business done for the United States or any agency thereof is not to be considered either member or nonmember business for the purpose of determining compliance with the Capper-Volstead Act.

A "member of a contract market" is defined to include owners or holders of membership or membership representation on contract markets or holders of members' trading privileges on such markets. A "futures commission merchant" is defined to be one who solicits or accepts future delivery orders on contract markets and who accepts property (or extends credit) to margin or secure trades or contracts resulting from orders. A "floor broker" is defined to be one who executes, for others, orders on the market for pay. "The commission" is defined to be the Secretaries of Agriculture and Commerce and the Attorney General and the commission is given the name of the "Commodity Exchange Commission."

Section 4 of the bill is intended to clarify section 4 of the Grain Futures Act by striking therefrom an unnecessary exception. Section 4 of that act makes it unlawful to contract for grain for future delivery on or subject to the rules of any board of trade unless such board of trade has been designated as a contract market and such contract is evidenced by a record in writing. The exception contained in paragraph (a) of section 4 which is stricken by the bill purports to except contracts where the seller is "the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown", etc. The exception is confusing and is unnecessary for two reasons: (1) Section 4 of the act is limited expressly to contracts for the sale of grain "for future delivery on or subject to the rules of any board of trade in the United States", and (2) the term "future delivery" is defined in section 2 of the act so as "not to include any cash grain for deferred shipment or delivery."

Section 4a, the first of these new sections, has for its object the elimination of the obstruction on interstate commerce caused by undue speculation in futures on or subject to the rules of contract markets. The section gives the Commodity Exchange Commission the power, after due notice and opportunity for hearing and a finding of a burden on interstate commerce caused by such speculation, to fix and proclaim limits on futures trading which may be done on contract markets by any person during a business day and upon the net long and net short position of any person in futures trades. Transactions which are shown to be bona fide hedging transactions in a commodity by holders of that commodity or of products or byproducts thereof, or by growers of that commodity, are exempt from the limits, and brokers and commission merchants are subject to the limits fixed only to the extent that they deal for their own account. The United States and its agencies are exempt from the limits authorized to be fixed.

Section 4b makes it unlawful for members of contract markets, and correspondents, agents, and employees thereof, in connection with orders to make or the making of contracts of sale of any commodity in interstate commerce to cheat, defraud, or deceive the customer, or to bucket the order. The section also prohibits such fraudulent practices in futures contracts in connection with

orders made on or to be made on or subject to the rules of any contract market.

Section 4c makes unlawful any transaction which is, or is of the character of, or is known in the trade as, a "wash sale", "cross trade", "accommodation trade", or is a fictitious sale, or which is of the character of, or known in the trade as, a "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty", and makes unlawful any transaction which is used to cause any price to be reported, registered, or recorded which is not a true and bona fide price. The provision does not prevent the exchange of futures in connection with cash commodity transactions or of futures for cash commodities or transfer trades or office trades if made under board of trade rules not disapproved by the Secretary of Agriculture.

Neither section 4b nor section 4c has the effect, in providing for Federal regulation of the transactions prohibited by their terms, of preventing the application of State laws to the acts prohibited and the persons performing them. An express provision is inserted at the end of section 4c indicating that the intention of the law is not to occupy the field to the exclusion of the States.

Section 4d makes it unlawful for a person to engage as futures commission merchant in soliciting or accepting future delivery orders to be executed on a contract market unless such person is registered as such with the Secretary of Agriculture and his registration has not expired, or been suspended or revoked. The provisions relating to application for and granting of registrations are set forth in connection with the explanation of section 4f and section 8a.

Section 4d also requires such commission merchants to treat money, securities, and property received from customers to margin, guarantee, or secure the customers' trades as belonging to the customer. The section prohibits the use of such property to margin the trades of or to extend credit to any other person, but the commission merchant may deposit or pledge the property separately from or with the merchants' own deposits in a bank or trust company.

The merchant may also deposit or pledge with the clearing-house organization or another member of a contract market such share of the customer's property as may be necessary to margin or secure the customer's trades carried with the clearing-house organization or with such member.

Section 4e prohibits any person from acting as floor broker in executing orders for futures contracts on contract markets unless such person is registered as such with the Secretary of Agriculture, and his registration has not expired or been suspended or revoked.

Section 4f (1) provides for the application for registration by futures commission merchants and floor brokers and requires them to continue to furnish information to the Secretary, and section 4f (2) requires such merchants to post copies of their registration certificates.

Section 4g provides for revocation of registration of futures commission merchants and floor brokers for failure to abide by the act or rules and regulations of the Secretary. Registration may also be revoked or suspended for failure to make reports required by the Secretary, failure to keep books and records regarding transactions in the form and manner prescribed by the Secretary, and for failure to keep the books and records open for inspection. The procedure for revocation is set forth in connection with the outline of amendments made by the bill to section 6 (b) of the Grain Futures Act.

Section 4h (1) prohibits operation of a place of business where orders for futures contracts are solicited or accepted unless such orders are to be executed by or through a member of a contract market. Paragraph (2) of the section prohibits misrepresentation by any person that he is a member of a contract market, or a registered futures commission merchant, or an agent of either, in connection with contracts for the purchase or sale of commodities in interstate commerce or for future delivery, or that the order is to be or has been executed on, or by or through a member of, a contract market.

Section 4 (i) makes unlawful the making of a contract for future delivery, when the Secretary has required reports of amount of trading or long or short positions, in excess of such limits as are so fixed for reporting unless the person reports such transactions, and requires the keeping of books and their availability for inspection to secure compliance with such provisions.

Section 6 of the bill amends section 5 of the Grain Futures Act by inserting a new provision which authorizes designation of a board of trade as a contract market even though not located at a terminal market if the board of trade provides for delivery of commodities at delivery points and upon terms and conditions approved by the Secretary. The amendment clarifies the present law to make certain that a board of trade may be designated a contract market even though only one of the commodities covered by the bill is traded in on the board. The amendment confirms the construction of the present law that the board of trade must provide both for the prevention of manipulation of prices and of the cornering of commodities.

Section 7 of the bill inserts a new section (sec. 5a) in the Grain Futures Act which requires boards of trade which have been designated as contract markets to (1) furnish the Secretary copies of their bylaws, rules, resolutions, etc., and changes therein; (2) allow inspection by representatives of the Departments of Agriculture and Justice of books, minutes, etc., of the board and its committees, and affiliates, and requires keeping such docu-

ments for 3 years or a longer period if the Secretary directs; and (3) when the Secretary directs it, to require warehouses to keep records and permit visitation and inspections and to retain records, etc.

Paragraph (4) of the new section requires contract markets, when directed by the Secretary, to provide for a period, after trading for delivery in a delivery month has ceased, during which futures contracts for delivery in that month may be satisfied by delivery of the actual commodity. This provision is designed to prevent market congestion near the end of a delivery month. It may be complied with either by cessation of trading prior to the end of the month or by permitting delivery after the delivery month has ended. The Secretary may order a market to establish such period only after notice and hearing and a finding that the order is necessary to prevent market congestion and squeezes, and the period fixed by him is to be not less than 3 nor more than 10 business days.

Paragraph (5) requires contract markets to require the party making delivery under a futures contract to give the person accepting delivery written notice of delivery at least 3 business days prior to delivery. The Secretary can require longer notice (but not more than 10 business days) when he finds, after notice and hearing, that longer notice is necessary in order to prevent or diminish unfair practices in trading.

Paragraph (6) requires contract markets to require that all futures contracts in a commodity made on that market provide for delivery of grades of that commodity conforming to United States standards, if such standards have been officially promulgated.

Section 7 of the bill also inserts a new section (sec. 5b) which authorizes the suspension (for a period of not to exceed 6 months) or revocation of a contract market's designation as such for violation of the act or rules and regulations of the Secretary. The procedure for revocation is set forth in section 6 (a) of the Grain Futures Act.

Section 8 of the bill amends paragraph (b) of section 6 of the Grain Futures Act as follows: (1) To transfer to the Secretary of Agriculture certain power and authority now vested in a commission consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General. The Secretary of Agriculture, instead of the commission, is given power to deny trading privileges on contract markets to any person who, after hearing, is found to have violated any of the provisions of the act or any of the rules and regulations thereunder; (2) to adapt the language of section 6 of the act to authorize suspension and revocation of registrations of futures commission merchants and floor brokers which by other sections of this bill are required to be registered by the Secretary of Agriculture; (3) to clarify the language of section 6 of the act in its application to manipulations of and attempts to manipulate the market price of any commodity; (4) to extend the reference to section 12 of the Interstate Commerce Act to include amendments of the Interstate Commerce Act and supplementary acts relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses in proceedings before the Commission or before the Secretary of Agriculture as provided in section 6 of the act.

Section 9 of the bill inserts two new sections in the Grain Futures Act.

Paragraph (1) of the new section 6a prohibits contract markets from excluding legitimate cooperative associations from trading if the association complies with terms and conditions lawfully imposed on other members and on cooperative associations of producers engaged in the cash commodity business. With the consent of the commission, the board of trade can exclude such association, and provision is made for judicial review of the commission's order. Section 6a (2) provides that no rule of a contract market shall forbid or be construed to forbid the payment of compensation on a commodity unit basis or otherwise by any such cooperative association to its regional or local member associations for business received by such cooperative association provided no part of any such compensation other than amounts paid as dividends on capital stock is returned to producer patrons of such regional or local member associations otherwise than on a patronage basis and not more frequently than annually; nor shall the governing body of any board of trade designated as a contract market exclude from membership in, and all privileges on, such board of trade any duly authorized representative of any cooperative association, as herein defined which is otherwise qualified, because of the payment of such compensation.

Section 6b provides that for violation by a board of trade or its agents of the act, rules, or regulations of the Secretary, or orders of the commission, the commission may, in lieu of revoking the designation as a contract market, after hearing and subject to judicial review, issue a cease-and-desist order. Failure or refusal to obey the order when it becomes final subjects the offender to criminal penalties.

Section 10 of the bill inserts a new section in the Grain Futures Act (sec. 8a) under which the Secretary of Agriculture is authorized (1) to register futures commission merchants and floor brokers upon application made under rules and regulations; (2) to refuse to register any person whose registration has been revoked for violation of act or regulations; (3) to suspend or revoke the license of any futures commission merchant who accepts any order for purchase or sale of any commodity for future delivery on or subject to rules of any contract market from any person who has been denied trading privileges under section 6 (b); (4) to fix

fees for issuance of registrations, renewals, and copies, not exceeding \$10; (5) to make such rules and regulations as he deems necessary to carry out the purposes of the act; and (6) to publish the full facts concerning any transaction or market operation which the Secretary deems disrupts or tends to disrupt any market or is otherwise harmful to the interests of producers and consumers.

Section 11 of the bill amends section 9 of the Grain Futures Act. The section adds to the sections of the act, violation of which is punishable by criminal penalties, the following new sections which are proposed to be inserted by the bill; section 4a (relating to futures-trading limits), section 4b (relating to fraudulent and deceptive practices), section 4c (relating to wash sales, etc.), and sections 4d, 4e, 4f, 4h, and 4i (relating to registrations of futures commission merchants and floor brokers, and duties imposed on them and other traders). The section also makes manipulation and cornering punishable and imposes criminal penalties upon persons who cause to be delivered false or misleading crop or market information.

Section 12 of the bill includes a special provision with respect to the separability of the various sections of the old Grain Futures Act and the new sections proposed to be inserted by this bill. The separability clause of the Grain Futures Act applies to the new amendments, of course, but the effect of section 12 is to permit the application of the section of the Grain Futures Act which is amended by this bill to be effective if the section of the bill which is amendatory of that section of the Grain Futures Act is held unconstitutional.

Section 12 also provides for disposition of matters pending under the old law in accordance with the provisions of the new bill.

Section 13 makes the proposed bill effective 90 days after the date of its enactment.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. FULMER] such time as he may desire to use.

Mr. FULMER. Mr. Speaker, I am supporting this bill believing it will be quite a help to those who administer the Cotton and Grain Futures Act. However, if the bill had been brought up in the regular way so that we might have had an opportunity to offer one or two amendments, I believe that, so far as cotton is concerned, I would have been able to offer to the House one or two amendments that would be helpful in cutting out speculation.

In the Smith-Lever Cotton Futures Act of 1916 we find two sections that can be used in dealing in cotton-future contracts—sections 5 and 10. Section 5 is purely a sellers' provision and is the section that is always used in future-contract transactions.

In other words, if a buyer calls for the actual delivery of the cotton, the seller, under this section, has the right to offer for delivery, 26 different grades, any one of the tenderable 26 grades, or any combination of these grades. The buyer would have to accept whatever is offered and, in practically every instance, these are grades that the buyer cannot use, therefore, accepts a paper settlement thereon. If the buyer had equal rights with the seller, so as to be able to write into the contract the actual grades, he would want, as provided for under section 10, doubtless speculators would be very careful about selling short, knowing that they would have to go on the market and buy the cotton for delivery.

Perhaps you will state, if section 10 gives the buyer the right to write into the contract the type and grade of cotton, why does he not use section 10 in making contracts? Sellers will not operate under section 10, knowing that if the contract specifies certain grades, that when called upon for delivery these grades will have to be delivered. It would appear to me that this section was placed in the bill to keep down opposition to the bill when it was up for consideration in the Congress. Millions of bales of cotton are bought and sold on the exchange without a single bale of cotton actually passing to anyone. These transactions are purely paper transactions. Certainly, if the seller had to deliver the actual cotton in selling short, he would have to go on the market to buy his cotton; as previously stated, it would bring about a demand and tend to increase the price, all of which would be helpful to producers. However, under the present system, in that these transactions, as stated, are purely paper transactions, the usual tendency is to depress the price of cotton, proving harmful to producers.

Sometime ago I offered an amendment in the Agricultural Committee to Mr. VINSON's (of Georgia) bill, then being considered by the committee, to amend the Cotton Futures Act to provide for southern delivery of cotton. Immediately the New York Cotton Exchange amended its rules, establishing southern delivery at nine southern points. However, in that the seller of cotton still has the advantage over the buyer under section 5, these southern deliveries, instead of proving helpful to buyers and producers, have brought about a depressing effect on the price of cotton bought for southern delivery.

A cotton mill buying a thousand bales for future delivery, requesting the delivery at Charleston, S. C.—one of the points of southern delivery—would probably be unable to secure delivery at Charleston. In other words, the seller has the privilege of stating, "I will deliver the cotton but at some other point", or the seller will designate two or three other points. Perhaps the South Carolina mill cannot handle the cotton from any of the points proposed, therefore is forced to accept a paper settlement.

I am quoting on this subject from a reliable cotton merchant who resides in New York:

To have higher prices, it is necessary to have a fair market. To have a fair market, it is necessary to have buyers. To have buyers, it is necessary to give them a square deal, something the New York Cotton Exchange has never done.

The present cotton-future contract is distinctly a seller's contract, one-sided and unfair. It permits the delivery of 26 different grades upon each contract, and the seller has the privilege of making delivery at nine different points. Should a person buy 1,000 bales, he might get different grades on each contract, but at any one of nine different points.

So far as I am able to ascertain, only three firms are prepared to accept delivery at all the points. Under this contract the three firms have grown fabulously rich, while more than 75 percent of small shippers have been forced out of business or into bankruptcy. At least 90 percent of all traders lose money year after year.

During the last 10 years no bull market has stood up for any length of time. It is a conservative estimate to state that when the three large firms cooperate together they can raise or lower the basis, to put the market up or down at will.

It would not be feasible for any cotton mill in the United States to attempt to spin the different grades of cotton which might be tendered under any seller's contract under section 5.

Sometime ago, when we had a drop of 2 cents per pound, or \$10 per bale on cotton in 1 day, due purely to speculation, it caught spinners and merchants with large supplies of goods which had to be marked down, all of which demoralized business. No wonder the textile mills of New England were clamoring for the removal of the processing tax. This 2-cent decline was gradually regained, no doubt by repurchases by the same parties who sold short in the first instance, thereby making millions going and coming, all, as stated, at the expense of cotton mills, cotton merchants, and cotton producers.

Since the United States Supreme Court decision on the N. R. A., cotton has declined gradually, many of the months going below 11 cents. However, you will note that the price is gradually going back up at this time, fluctuating anywhere from 25 to 50 points per day—up or down. There is little actual spot cotton moving at this time and certainly farmers are not selling cotton—then, why would these frequent changes in the price of cotton which is being brought about by speculation be helpful to farmers, as claimed by speculators?

The amendments that I have in mind are as follows:

First. Provide in the law for southern deliveries, naming delivery points, and provide for the writing into the contract the actual point of delivery. If this is not done, certainly, as stated, southern delivery under the present system is a joke and, as stated, only tends to depress the price of cotton.

Second. Amend section 5 as follows:

That the second subdivision of section 5 of the United States Cotton Futures Act, approved August 11, 1916, amended to read as follows:

"Second. (a) Specify as the class of the contract one of the following classes:

"Class A, which shall include only Middling Fair, Strict Good Middling, Good Middling, and Strict Middling grades;

"Class B, which shall include only Strict Middling, Middling, Strict Low Middling, and Good Middling Yellow Tinged grades;

"Class C, which shall include only Strict Low Middling, Low Middling, Strict Middling Yellow Tinged, and Good Middling Yellow Stained grades.

"(b) Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, and which shall be one of the grades included within a class in paragraph (a) of this subdivision; the price per pound at which the cotton of such basis grade is contracted to be bought or sold; the date when the purchase or sale was made; and the month or months in which the contract is to be fulfilled or settled.

"(c) If no other class is specified in the contract, or in the memorandum evidencing the same, the contract shall be deemed a class B contract.

"(d) If no other basis grade be specified in the contract, or in the memorandum evidencing the same, Good Middling shall be deemed the basis grade incorporated into a class A contract, Middling shall be deemed the basis grade incorporated into a class B contract, and Low Middling shall be deemed the basis grade incorporated into a class C contract."

Sec. 2. That the third subdivision of section 5 of such act is amended to read as follows:

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture, and of or within the grades included within the class so specified or incorporated as the class of the contract, and that cotton of any other grade or grades shall not be dealt with therein nor delivered thereunder."

Sec. 3. That the fifth subdivision of section 5 of such act, as amended, is amended to read as follows:

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of Strict Middling in the case of a class A contract, Strict Low Middling in the case of a class B contract, or Low Middling in the case of a class C contract, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed', shall not be delivered on, under, or in settlement of such contract."

Sec. 4. That the second paragraph of the seventh subdivision of section 5 of such act, as amended, is amended to read as follows:

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract, if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'subject to United States Cotton Futures Act, section 5, class A', if the contract is a class A contract, or the phrase 'subject to United States Cotton Futures Act, section 5, class B', if the contract is a class B contract, or the phrase 'subject to United States Cotton Futures Act, section 5, class C', if the contract is a class C contract."

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, it was stated by the chairman of the committee that this bill is similar to the bill that passed the House a year ago and another one that passed the House on a former occasion. I want to call the attention of the House to the fact that the previous bills applied only to grain and cotton, while this bill also includes butter and eggs, so that the Commodity Exchange Commission will have the right, under the provisions of this bill, to regulate the activities on the exchanges of those who speculate in both butter and eggs.

It seems to me that the inclusion of butter is of great importance to the dairy sections of the country because, as a matter of fact, the price of butter does materially influence the price of all other dairy commodities.

It was shown a year ago last summer that speculation in a commodity by those who are interested in maintaining the price at a high level can be extremely successful. A year ago last summer the Agricultural Adjustment Administration or some other agency of the Government turned over to the Land O'Lakes organization, the largest dairy cooperative in the country, a huge sum of money for the purpose of speculating, and for the purpose of controlling the market on butter, and the operations of that organization with Federal funds were so successful that for a period of 6 weeks or more they maintained the price of butter at a certain level with hardly any fluctuations. So long as they had the use of this Federal money to speculate, if you please, or, in other words, to get into the market and buy or sell at the proper time, they were able to maintain the price of butter at a high level, or at least at a price that was considered

fair to the American producers. If this organization with Federal funds could be successful, through its operations on the exchange, in its efforts to keep the price of butter at a proper level, it seems to me that speculators who are interested in making a profit on the exchange at the expense of the farmer can accomplish similar success in manipulating the market for their own particular advantage, and without regard to the welfare of the American farmers. Because of the fact that they have been in the market speculating on butter in Chicago and New York, they have controlled the price of butter, and, indirectly, they have controlled the price of cheese and all other dairy products. I believe they should come under the supervision of this Commodity Exchange Commission, and I am very happy that the committee has seen fit to recommend to the House that butter be included as one of the commodities for Federal regulation.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield with pleasure to the gentleman from Minnesota.

Mr. ANDRESEN. The gentleman has referred to the Land O'Lakes Creameries speculating with Federal funds. I may say to the gentleman that the Land O'Lakes did not speculate with Federal funds; in fact, they did not speculate at all. What they did was that they went in and bought actual butter. This bill deals only with futures in butter and in other commodities, and not with the actual commodity itself.

Mr. BOILEAU. I may state to the gentleman that although regulation of futures transactions is one of the objectives of the legislation, my understanding is that the bill also regulates the activities of the brokers, and so forth. The bill permits the Department to examine the books and records of those who operate through commission houses or through brokers, and this bill gives the Government agency some supervision over the entire marketing of these commodities.

Mr. ANDRESEN. The gentleman is mistaken about that. This deals only with future transactions with respect to the commodities covered by the bill.

Mr. BOILEAU. I think the gentleman is in error, because, as I have mentioned, the Commission has a right to examine the books and records of the commission houses and the brokers, and the bill gives the Commission supervision over all of the operations of the exchanges. It outlaws certain methods of dealing, certain practices on the floor of the exchanges, and gives the Commission general supervision; although I agree with the gentleman that the principal source of speculation has been in the futures transactions, but that does not mean that that is the only kind of speculation. If I see fit to buy 1,000,000 pounds of butter because I think that in the future the price is going to be higher, I can buy it outright; and that is, nevertheless, speculation. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the motion of the gentleman from Texas to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed, and a motion to reconsider was laid on the table.

PRESERVATION OF HISTORIC AMERICAN SITES

Mr. MAVERICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6670) to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, as amended.

Mr. ENGLEBRIGHT. A parliamentary inquiry, Mr. Speaker. If I understood the Chairman of the Committee on the Public Lands, he stated that this bill was not to be called up today.

The SPEAKER. The Chair has no information about that.

Mr. MAVERICK. My understanding is that it was to be called up.

Mr. ENGLEBRIGHT. I had a conversation with the chairman of the committee only a few minutes ago, and he said that it was not to be called up today. I would like to

have the gentleman withdraw his motion until we can consult the chairman of the committee.

Mr. MAVERICK. Very well, Mr. Speaker, I will withdraw my motion temporarily.

COMMITTEE ON THE JUDICIARY

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House for the remainder of the week.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

PROTECTION OF AMERICAN AND PHILIPPINE LABOR

Mr. KOCIALKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2530) to protect American and Philippine labor and preserve an essential industry, and for other purposes.

The Clerk read the bill, as follows:

An act to protect American and Philippine labor and to preserve an essential industry, and for other purposes

Be it enacted, etc., That, effective May 1, 1935, and for 3 years thereafter, the total amount of all yarns, twines, cords, cordage, rope, and cable, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fiber, produced or manufactured in the Philippine Islands, coming into the United States from the Philippine Islands, shall not exceed 6,000,000 pounds during each successive 12-month period, which 6,000,000 pounds shall enter the United States duty free.

The amount or quantity of such articles which may be so exported to the United States shall be allocated, under export permits issued by the government of the Philippine Islands, to the producers or manufacturers thereof. This allocation shall be made by the Governor General of the Philippine Islands prior to the inauguration of the commonwealth of the Philippines, and thereafter by the President of said commonwealth, unless otherwise provided by the legislature of the commonwealth.

SEC. 2. Pending the final and complete withdrawal of American sovereignty over the Philippine Islands, the President of the United States may, by proclamation, at least 90 days prior to the expiration of the 3-year period provided in section 1 hereof, extend the operation of this act for an additional period of 3 years or more, provided such extension is accepted by the President of the commonwealth of the Philippines.

SEC. 3. On and after the expiration of the operation of this act the articles described in section 1 coming into the United States from the Philippines shall be subject to the provisions of section 6 of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes."

SEC. 4. Except as provided herein, nothing in this act shall be construed to modify or repeal the provisions of any existing law.

SEC. 5. The Secretary of the Treasury shall promulgate such rules and regulations as may be necessary to enforce the provisions hereof; and this act shall be enforced as part of the customs law.

The SPEAKER. Is a second demanded?

Mr. THURSTON. Mr. Speaker, I demand a second.

Mr. KOCIALKOWSKI. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KOCIALKOWSKI. Mr. Speaker, the purpose of the bill before the House is to put a quota on cordage from the Philippine Islands. The average amount now imported is about two million pounds a month. Both parties agree. The representatives from the Philippine Islands and the cordage industry agree to 6,000,000 pounds a year. We had extensive hearings on the bill and gave all the parties interested a full hearing. It was reported to the committee favorably and has been reported by the whole committee favorably.

Mr. THURSTON. Will the gentleman yield?

Mr. KOCIALKOWSKI. I yield.

Mr. THURSTON. There was one important phase of the bill, which will be found in lines 9, 10, and 11 on page 2. That had to do with the allocation of the future. One group contended that it should be allocated on a spindle basis and another group on the export basis. Now, the committee was unanimous in reporting the bill but because of the diversity of the cordage interests and the Philippines it was thought that there might be something unfair in allowing the apportionment on the basis of the capacity of the mills

involved. I want to ask the gentleman if it was not the thought of the committee that in the interim the allocation of cordage should be based fairly and equitably between or among those mills according to their capacity?

Mr. KOCIALKOWSKI. Yes; according to the spindles.

Mr. THURSTON. That was the construction placed by the committee.

Mr. KOCIALKOWSKI. The gentleman is correct.

Mr. COLDEN. Will the gentleman yield?

Mr. KOCIALKOWSKI. I yield.

Mr. COLDEN. Most of this cordage is used by the merchant marine. What effect will this bill have upon that? A great deal of it comes from Manila?

Mr. KOCIALKOWSKI. Most of it does.

Mr. COLDEN. Will this adversely affect the ship chandlers in this country?

Mr. KOCIALKOWSKI. No; it is going to help them. It is not going to overcrowd the market.

Mr. COLDEN. It is not proposed to substitute fabricated rope in this country for manila rope for shipping?

Mr. KOCIALKOWSKI. No; they do not want to do anything of that kind.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. KOCIALKOWSKI. Yes.

Mr. COLE of Maryland. As I understand, the original House bill on this subject required a quantity of 6,000,000 pounds to be allocated entirely upon the basis of exportation during the preceding calendar year, which would be 1934.

Mr. KOCIALKOWSKI. Yes.

Mr. COLE of Maryland. As the Senate bill comes to us, that language is stricken out.

Mr. KOCIALKOWSKI. Yes.

Mr. COLE of Maryland. In line with the question asked a moment ago, I understand that leaves the allocation of the 6,000,000 pounds entirely to the judgment and fairness of the Governor of the commonwealth of the Philippines, and then to their local governments when they can take into consideration the spindle capacity, exports sold during the previous year, or anything else, so that ultimately in their judgment it will be fair to the Philippines.

Mr. KOCIALKOWSKI. That is correct.

Mr. DOCKWEILER. Mr. Speaker, will the gentleman yield?

Mr. KOCIALKOWSKI. Yes.

Mr. DOCKWEILER. The gentleman says that under the terms of this bill there will be 6,000,000 pounds of cordage of manila. Is that the finished product?

Mr. KOCIALKOWSKI. Yes.

Mr. DOCKWEILER. How much is being imported now?

Mr. KOCIALKOWSKI. On the average of about 1,330,000 pounds a month.

Mr. DOCKWEILER. That would be equivalent to about 12,000,000 pounds a year?

Mr. KOCIALKOWSKI. The way they are importing cordage today it will reach about 15,000,000 pounds a year if this allocation is not made.

Mr. DOCKWEILER. What do the Commissioners of the Philippines think?

Mr. KOCIALKOWSKI. They were here personally. We also had the President of the Philippine Senate, and a member of the Philippine Commission to the United States, who appeared personally before the committee. They are satisfied as the bill stands, with the cooperation of every industry in America.

Mr. DOCKWEILER. Are they satisfied because they have to do this or is their suggestion?

Mr. KOCIALKOWSKI. I do not know how to answer that question. All I can say is they were very well pleased with the report of the committee. It was a compromise.

Mr. DOCKWEILER. In the last session of Congress we placed a tax on copra oil, which is about the only other product the islands sell to this country, and by reason of that we are diminishing the importation of copra, and the result is there are uprisings in the Philippine Islands because of economic conditions produced thereby.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. KOCIALKOWSKI. Yes.

Mr. TABER. There is no limitation in this bill as to the importation of raw hemp or the raw products out of which rope is made. This relates entirely to the manufactured product.

Mr. DOCKWEILER. I appreciate the gentleman's statement on that, because I was interested in that phase of it.

Mr. TRUAX. Mr. Speaker, will the gentleman yield?

Mr. KOCIALKOWSKI. Yes.

Mr. TRUAX. As I understand this bill, the rope now coming in from the Philippine Islands goes largely to mail-order houses such as Sears, Roebuck or Montgomery Ward. They conduct a cutthroat business. The American manufacturers find it impossible to compete with this product which they handle. This bill will give them a degree of protection which they must have to maintain their plants and their scale of wages. Therefore, this bill will help the small industrialist and will help the worker and will not raise the price to the farmer and other consumers.

Mr. KOCIALKOWSKI. The gentleman is correct.

Mr. ZIONCHECK. The committee found that the wage scale paid to the Philippine laborers ran from 7½ cents to 15 cents an hour?

Mr. KOCIALKOWSKI. That is correct.

Mr. ZIONCHECK. And that is the labor the American rope manufacturer must compete with?

Mr. KOCIALKOWSKI. That is the truth.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. KOCIALKOWSKI. Yes.

Mr. ASHBROOK. Permit me to make a further observation in reply to my colleague [Mr. TRUAX] by saying that in my district I have a large manufacturer who is a heavy user of manila. This firm has been in the cordage business for 45 years. I am happy to say my constituent is entirely satisfied with this bill, which has passed the Senate and is now before us. It is a bill with which not only the representatives of the Philippines seem to be satisfied but all American interests are satisfied. It comes before the House with a unanimous report from the committee, and basing my statement on the report I get from my own constituents the bill is entirely satisfactory, and I am very much in hope there will be no objection to it.

Mr. McFARLANE. Did anyone appear before the committee in opposition to the bill?

Mr. KOCIALKOWSKI. No one.

Mr. BETTER. Will the gentleman yield?

Mr. KOCIALKOWSKI. I yield.

Mr. BETTER. I do not believe the bill goes far enough. I believe it should include rope that is imported from Mexico. They make white rope out of sisal.

Mr. KOCIALKOWSKI. But this affects the Philippine Islands only.

Mr. BETTER. I understand, but I do not believe the bill goes far enough.

Mr. KOCIALKOWSKI. I appreciate that. I think we ought to take that up in the future.

Mr. ASHBROOK. That would require another bill.

Mr. BETTER. I think we should protect our farmers from the rope that comes from Mexico, and our business men, as they are protected in this bill.

Mr. ASHBROOK. It certainly ought to be a fairly decent bill when our own manufacturers in the United States are agreeable to it.

Mr. BETTER. I agree with the gentleman. I think it is a splendid bill, but I do not think it goes far enough.

Mr. CULLEN. Will the gentleman yield?

Mr. KOCIALKOWSKI. I yield.

Mr. CULLEN. In addition to what I have heard on the floor relative to this bill, I wish to say it is one of the best bills that has come out of the gentleman's committee this year. The cordage works in Brooklyn and New York are unanimously in favor of this bill.

Mr. ASHBROOK. It seems to be a bill which everybody favors and no one opposes.

Mr. THURSTON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, the Tydings-McDuffie bill inserted this language in section 6 (d), which has reference to the relations with the United States pending complete independence of the islands, which language reads in this manner:

In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced or manufactured in the Philippine Islands thereafter that may be so exported to the United States free of duty shall be allocated upon export permits issued by the government of the Commonwealth of the Philippine Islands to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year.

Now, when that language was put in the Tydings-McDuffie Act it invited the trade war on imports of cordage from the Philippine Islands to the United States, which has precipitated the predicament in which the domestic producers of cordage find themselves. That language was an invitation to the processors of cordage located in the Philippines to raid the United States market with their goods, through secret rebates and price concessions and quantity discounts, to the end that they might build up a big sales performance, so that when the future allocation was to be made, the man who had sold the greatest quantity of manufactured cordage during the trial period would receive the greatest sales allotment for future performance. The domestic-cordage manufacturer found himself surrounded by a set of conditions to that effect, as illustrated by these figures: In 1929 the Philippine mills exported to this country some 6,936,000 pounds of cordage. In 1932 they dropped to 4,942,000 pounds. In 1929 the European countries exported to this country 9,646,000, while in 1934 they had dropped to 2,106,000 pounds, and the Philippine Islands had jumped, through this trade war as a result of that inclusion in the Tydings-McDuffie Act, in 1932 from 4,942,000 pounds up to 9,863,000 pounds in 1934, and for the first 2 months in 1935 the Philippine cordage mills were exporting to this country at the rate of 15,000,000 pounds annually.

Therefore, the domestic processors of cordage, located in the United States, had to come to some agreement or close their mills. Philippine cordage was coming into the country in such volume and at such low prices under the cost of the American processors working under N. R. A. codes that the American processors of cordage could not stand up under the load.

The objection I have to the Senate bill is that it does not entirely eliminate the invitation to engage in another war, while, if it included an amendment to the effect that future sales allocations would be made on the basis of spindle capacity as of this date, for instance, it would take away from those exporters the incentive to build up a great sales performance on which to plead for a big allotment in the future. So it seems to me we should at this time go on record as indicating that it is the desire of this House that the allocation of sales quotas be set on such a basis as will not invite another trade war on the part of Philippine processors in their desire to build up a big trade performance in the United States. If there is to be a repetition of this performance on the part of the processors in the islands, then our domestic processors will again be commercially crucified by the exports to the United States from Philippine Island processors.

Now, there is another problem in this bill which has a very close relation to other important commodities: Section 6 (a) deals with sugar, and section 6 (b) deals with coconut oil.

The SPEAKER. The time of the gentleman from Michigan [Mr. CRAWFORD] has expired.

Mr. THURSTON. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. CRAWFORD. Section 6 (b) deals with coconut oil. Section 6 (c) deals with cordage. In this bill we are increasing cordage importations free of duty from 3,000,000 pounds annually up to 6,000,000 pounds annually for a period of 3 years. Shall that be a precedent that in future months they may come along and say, "We want the sugar quota doubled for a period of 3 years; we want the coconut oil quota doubled for a period of 3 years"?

LXXIX—542

Mr. Speaker, in considering the Philippine problem it is impossible to think in terms of changing these quotas on cordage without at the same time considering the staggering effect such radical changes in the free import quotas will have if applied to sugar and coconut oil. All the corn growers, cotton growers, sugar-beet and sugar-cane growers of the Nation are vitally interested in this bill we are now considering. This was all fully recognized by Congress when it passed the Tydings-McDuffie Act in March 1934, and at which time section 6 (a), (b), and (c) was enacted into law. It is rather unusual to make a radical change like this when the independence act is in the process of being confirmed by the Philippine people. Therefore, I serve notice at this time that I shall not become a party to letting this bill become a precedent for a similar increase in the free importation of sugar and coconut oil.

So it must not be construed that we are laying down a precedent. Such would bring about great confusion and strife in the future with reference to free importations of sugar, coconut oil, and all the things they in the islands produce or manufacture which compete with like goods in this country. It seems to me, therefore, that we should make very definite the understanding that these sales quotas are not to be allocated on the basis of sales during a trade war carried on by Philippine processors against United States processors.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. HOFFMAN. Has the gentleman an amendment to that effect?

Mr. CRAWFORD. No; because amendments cannot be offered to bills considered under suspensions of the rules.

[Here the gavel fell.]

Mr. KOCIALKOWSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Speaker, when this bill was called on the Consent Calendar I objected because I knew, after talking with the chairman of the committee, that the bill was on the Speaker's desk and would likely be called up under suspension, or if not so called, I knew a rule had been requested and that later on we would have an opportunity to discuss it. I took that position because I wanted to make as clear as possible the fact that in the allocation to the industry in the Philippines, it is the intention of this Congress not that any 1 year's export quantity should be the yardstick, but that the yardstick should be a composite made up of spindle capacity and all other considerations that enter the picture, so that in the end the allocation will be fair to the industry in the islands.

My conference with many members of the committee and others has satisfied me sufficiently not to insist upon an amendment to the bill, and oppose this procedure, as under suspensions amendments are not permissible. To try to bring the bill to the floor so it could be amended is not necessary in order for the clear intention of Congress to be recorded. Thus I take the Senate bill in its present form with that understanding.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. COLE of Maryland. I yield.

Mr. CRAWFORD. I am just informed that a 5-year contract has been signed between jute concerns of France in which they base their future performance on spindle capacity; and this matter that we are discussing now has a direct relationship to jute. I cite this as an example of how much importance they attach to the question of spindle capacity.

Mr. COLE of Maryland. Mr. Speaker, I may say in reply to the gentleman that at the time the original Tydings-McDuffie bill passed it might possibly have been fair to base the allocation on the previous year's shipments; but in view of what has happened in 1934 I can see the wisdom of considering other factors which enter the picture, such as spindle capacity. I realize the gentleman from Michigan knows far more about spindle capacity than I do.

I know nothing about the contract to which the gentleman referred.

Mr. Speaker, I yield back the balance of my time.

Mr. KOCIALKOWSKI. Mr. Speaker, I yield 2 minutes to the Commissioner from the Philippine Islands [Mr. DELGADO].

Mr. DELGADO. Mr. Speaker, this bill represents a compromise to meet the conflicting interests of the Philippine cordage manufacturers and the American cordage manufacturers. Representatives of the Philippine government and the Filipino people were present at the hearing before the Insular Affairs Committee of the House and of the Senate and gave their approval to this bill by reason of the mutual concessions made in its provisions as they now stand, and also to show the American people that the Filipinos are, and always have been, willing to meet the requirements of this country at least half way. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. THURSTON. Mr. Speaker, I yield an additional minute to the Commissioner from the Philippine Islands to say that there has been some apprehension about the allocations that might be made as between the different mills in the Philippines. I am sure he—speaking for his government—would be willing to tell us that whatever is done in the future will be done on a basis of fairness and equity.

Mr. DELGADO. Mr. Speaker, I shall be very pleased to make a brief statement if I may. As the bill approved by the Senate now stands, there is no limitation at all upon the discretion given first to the Governor General and afterward to the chief executive of the Philippine Commonwealth as to the basis of allocation; but I have absolute faith in the representative of the American people and the American Government there now, Governor General Murphy, and I know he will make the allocation with fairness and justice to all concerned. I know, too, that whoever is elected to preside over the future commonwealth government will take into account all the circumstances of the case and will reach a decision which will be fair, just, and equitable to all. [Applause.]

Mr. THURSTON. I thank the Commissioner.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this bill, as the gentleman from the Philippines has said, is a compromise growing out of the distress that has been brought to American cordage manufacturers by the large Philippine importations that have come in here recently. I am informed that current importations are approaching a total of 2,000,000 pounds a month.

This bill limits the total amount that can come in during the next 3 years to 6,000,000 pounds, which, as has been explained, will be fairly allocated either by the Governor General or by the Philippine government. It does not in any way limit the amount of raw material that can come in. Under the independence act 3,000,000 pounds could come in after the inauguration of the government duty free; but, in addition, any amount which paid duty could come in. This bill limits the amount that can come in to 6,000,000 pounds in all.

I hope for the sake of those men who are employed in our cordage plants in the United States that this fair compromise between the Filipino people and the American cordage manufacturers can be adopted. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. THURSTON. Mr. Speaker, I yield the remainder of my time to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Speaker, as a member of the Insular Affairs Committee, I wish to pay tribute to our chairman, the gentleman from Illinois [Mr. KOCIALKOWSKI], who carried on these hearings which are of vital interest to those interested in tariffs and imports. The gentleman from Ohio [Mr. TRUAX] is correct when he spoke about the low wages in the Philippines. The testimony before our committee in this cordage hearing brought out the fact that the American cordage industry is at the mercy of cheap labor in the Orient. When the N. R. A. went into effect, the American industry was among the first to abide by the N. R. A. program of wages and hours. The workers in American cordage mills were paid an average of 45 cents an hour, as compared with about 19

and 25 cents an hour in the Philippines, where none of the cordage mills worked under N. R. A. rules. In years past, the American cordage industry employed many thousands of workers. It is one of the oldest industries in the United States. Today this industry employs only about 4,000 workers because of the inroads made against it by foreign-made cordage and foreign competition. It presents a real illustration of what has happened and what is happening to American industry which must compete with cheap foreign-made merchandise. The committee, however, took all of that into consideration. The 6,000,000 pounds of cordage being allowed to come in under this bill is the result of a compromise after about 12 hours of hearings, and I may say very interesting hearings, which every Member of the House should read. Heretofore about 3,000,000 pounds of cordage were allowed to come in. After that all the cordage they wanted to ship into the United States under the tariff would be allowed to come in to compete with our cordage. That is, they could ship in all they wanted to and pay the tariff. They could undersell our manufacturers 6 cents a pound. It is true, as the gentleman has said, that American cordage has been forced to compete with cheap labor in the Philippines. It is also true that most of this cordage coming from the Philippines goes into the hands of the big chain stores, which compete with the independent merchant, who cannot buy at wholesale at the price for which this cheap imported cordage is retailed by the chain organizations. In this way these big chain stores throttle the independent merchant by using this cheaply manufactured cordage as a leader.

Mr. Speaker, this bill was written for the protection of American cordage. It is an agreement reached by the various cordage organizations in this country which are attempting to keep their places of business open, thereby employing men. This bill is offered to you with that in mind. It is self-preservation on the part of the cordage industry of the United States as against the cheap manufactured cordage of the Orient. It was the best we could do for our manufacturers.

Mr. Speaker, we took a lot of other things into consideration at those hearings, things that the Members here are interested in and things which we have been talking about on the floor of this House for hours and hours. We even took into consideration the textiles in which we are all interested. We endeavored to find out why it is we have suddenly lost many millions of dollars' worth of business in textiles in the Philippine Islands to Japan. When we asked the Filipino people why our textile business in the Philippines was not protected by them, they indicated that they had made efforts to protect us in this respect, but that the answer to our questions must come from the State Department. Intimations are made to us that the efforts of the Filipino people to protect our textile trade in the Philippines were in some manner stopped by the State Department. An effort to secure an explanation brought the answer that the Filipino people felt that the State Department felt that the time was not propitious for an explanation. Every effort to secure an explanation or a reason for not protecting our trade in the islands brings the intimation from the Philippine representatives that a detailed reply would undoubtedly prove embarrassing. I feel that Congress should know why our textile industry is not protected.

Mr. Speaker, I want to compliment our chairman and the committee who have labored on this bill to protect American cordage, and I recommend the passage of the bill to the Members. [Applause.]

Mr. KOCIALKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, as a member of the Insular Affairs Committee, and particularly as a Member of Congress from a cotton State and a cotton-growing district in that State, I want to make a few remarks for the Record at this time. The chief exports from the Philippines are sugar, cordage, and coconut oil. Cordage amounts to very little. Philippine cordage is made of hemp, and it contains no cotton whatever. It is one of the minor industries of the three.

Mr. Speaker, I am going to vote for this bill, and I favor the bill for the reason that it meets with the desires of the Philippine people and it meets with the desires of the American manufacturers, and will work no hardship upon the American consumer. We must bear in mind, however, that there are only 4,000 people employed in cordage manufacturing in this country. I want the House to distinctly understand that this is not going to be an opening wedge for the purpose of making possible in the future the shipping in of large quantities of coconut oil to compete with the cottonseed-oil industry of the South, which is, of course, a major industry in this country. I want it to appear very distinctly in the Record that this bill has the approval, as has been shown here today, of the Philippine people as well as the people in this country. If a similar revision of the Tydings-McDuffie Act is asked for and everybody agrees, I will be willing to agree also. The Tydings-McDuffie Independence Act lays down certain quotas with reference to shipments from the Philippine Islands into this country. We are changing that act by this bill, and I want to have the Record show distinctly that we are changing it only because it meets with the approval of both contracting parties, the Government of the United States and the Philippine Islands.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. The gentleman talks about cottonseed importations. The gentleman knows that owing to the unfortunate cotton policy of the administration the exports are decreasing tremendously, and if continued, there will not be any.

Mr. MAHON. I want the gentleman to distinctly understand that we have vast quantities of cottonseed oil in this country, and I think we are able to supply the demand for all the cottonseed oil that this country needs. I do not want to be unfair and I do not want to discriminate against the cottonseed producers of this country in favor of the coconut-oil producers over there. Our first duty is to the United States.

Mr. MARTIN of Massachusetts. The importations have been very heavy in the past year of cottonseed oil.

Mr. MAHON. There have not been great importations.

Mr. DINGELL. Has the gentleman any figures on that?

Mr. MARTIN of Massachusetts. I can put them in the Record.

Mr. MAHON. This country has a tremendous amount of cottonseed oil and we do not require the importation of oil from the Philippine Islands to compete with cottonseed oil. [Here the gavel fell.]

Mr. KOCIALKOWSKI. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CRAWFORD. May I ask the gentleman this question? Down in Texas there they grow cotton and sugarcane. Will the gentleman go along on sugar the same as he proposes to go along on cotton so that the sugar boys of the South, the North, and the West will be fully protected in the same manner?

Mr. MAHON. Yes; but I am not going to vote to raise the quota of sugar or coconut oil from the Philippine Islands into this country, unless it meets with the approval of the sugar producer and the cottonseed producer, at the time the bill is brought up here for consideration. I do not wish to be arbitrary but I wish to sound the warning that the cotton producer will seriously oppose an increased quota of coconut oil from the Philippines. The Tydings-McDuffie Act is a kind of independence contract between the United States and the Philippine Islands. I rather hate to see it changed after the agreement has been entered into. However, we are changing it today by what might be called mutual consent of the contracting parties. Our sugar and cottonseed producers in this country are in distress, and we cannot consider this bill as an opening wedge, to later revise upward

the quotas of sugar and coconut oil from the Philippines to this country to the detriment of our producers.

Mr. CRAWFORD. I will be glad to go along with the gentleman on that.

[Here the gavel fell.]

Mr. KOCIALKOWSKI. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7348) was laid on the table.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—
THADDEUS C. KNIGHT (H. DOC. NO. 214)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 2294, entitled "An act for the relief of Thaddeus C. Knight."

In view of the statements contained in the accompanying report of the Acting Secretary of War, dated May 27, 1935, I do not feel that I would be justified in giving my approval to this legislation.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 3, 1935.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. McSWAIN. Mr. Speaker, I move that the message of the President and the accompanying bill be referred to the Committee on Military Affairs and ordered printed.

The motion was agreed to.

"HOT OIL" IN TEXAS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, on behalf of the independent oil men of Texas, one of my good friends, Mr. A. M. Howsley, of Albany, Tex., is here in Washington with Mr. Charlie F. Roeser, another good friend from Fort Worth, Tex., whom all the Texas Members know, and whose main office of Roeser-Pendleton Co. is in my district at Albany, Tex.

Mr. Howsley has prepared and handed me his views on oil importations, and I want to read his statement, to which I desire to call the attention of the House.

(After reading a portion of such statement, Mr. BLANTON secured permission to print the balance of Mr. Howsley's statement in the Record, hence it appears in its entirety as follows:)

"HOT OIL" FROM FOREIGN COUNTRIES

If the State of Texas were dumping 1,900,000 barrels of "hot oil" on the market in a single month, the whole domestic petroleum industry, with the exception of the "hot oilers" themselves, would be clamoring for Congress to do something, to do anything to stop this dumping. A much smaller overproduction caused us to pass the Connally "Hot Oil" Act, which was proposed by a Texan, supported by Texans, and is proving invaluable to Texas.

Today the importers of cheap foreign petroleum are the "hot-oil" menace of the industry and of the whole national recovery program. They brought into the country in the single month of March 1,900,000 barrels of petroleum products in excess of the authorized importations under the limitation placed by Executive order of the Oil Administrator. Ever since the March 1933 conference of the oil industry in Washington, held under the auspices of the Secretary of the Interior, it has been agreed that the importations of crude petroleum and its products into this country should be at an average rate of 108,000 barrels per day, this being the approximate average of daily imports during the last 6 months of 1932. After the adoption of the code the same limitation was continued. During the month of March, according to figures made available by the United States Tariff Commission, the total of these importations, exclusive of products brought into this country under bond and for reexport, was 5,257,127 barrels. The amount of authorized imports under the agreement previously mentioned was 3,348,000 barrels.

When nearly 2,000,000 barrels of "hot oil" displace that quantity of domestic oil in the seaboard markets of the country it becomes increasingly difficult for the American petroleum industry to continue its recovery.

"Hot oil" is "hot oil" whether it is produced in some flush field in this country or whether it is imported from abroad. "Hot oil" is simply oil that is produced in excess of the legal allowances. Those who import it are destroying opportunities for American capital invested in American enterprises in this country where American taxes must be paid. They are destroying opportunities for American workers. They are reducing the consuming power of this Nation. They are exploiting for their own pocket-books and own advantage the recovery program upon which this Nation has already spent billions of dollars and is planning to spend billions more.

When the Connally "hot-oil" bill was discussed on the floor of this House, the domestic producers of "hot oil" were pilloried as practically guilty of thievery. What difference is there between the "hot-oil" operator who wrecks the market by an excess of illegal production of domestic petroleum and the importers of cheap foreign oil, who, in the course of a single month, throw on the market nearly 2,000,000 barrels of oil which is in excess of the limitation which they themselves have accepted and to which the domestic producing branch of the industry have agreed.

The increase in imported foreign petroleum and its products may indicate the reason why some of the larger companies in the petroleum industry are bitterly opposed to the adoption of the Federal petroleum bill. That bill provides that the imports shall be 4.5 percent of the demand in this country and for export. The imports during March were far in excess of that amount. The estimated demand for domestic consumption and for export during the month of March 1935, according to the Statistical Bulletin of the American Petroleum Institute, dated May 7, was 86,752,000 barrels. At the ratio set up under the Federal petroleum bill of 4.5 percent, then 3,503,840 barrels might be admitted. According to the United States Tariff Commission, the total imports during the month of March, exclusive of that admitted for manufacture in bonded warehouse and for reexport, was 5,257,127 barrels. In other words, 1,753,287 was the amount imported in excess of the amount which would have been permitted to be imported if the proposed Federal petroleum bill were in effect at the present time with the ratio of 4.5 percent. In other words, the importers are today bringing into the country 50 percent more of foreign petroleum and its products than they would be allowed to bring in if that bill were in effect today.

A large portion of the petroleum imports are made up of fuel oil for supplies of vessels. This accounted for 2,287,968 barrels during the month of March. This fuel oil is exempt from the duty of one-half cent per barrel levied upon other fuel-oil imports into this country. This is a result of the amendment made to the revenue act which was adopted without full realization of its import by at least some Members of the Congress in 1933. This oil for supplies of vessels takes away one of the most important markets of the domestic producer and turns it over to importers of oil produced in foreign countries which do not have our American standards of living, our American wage scales, or our American maximum hours for workers.

The \$2,000,000,000 appropriation, originally made by Congress, would involve large purchases of crude petroleum and its products. If the present situation in regard to imports is allowed to continue, it will mean that a considerable portion of these billions of dollars intended to relieve poverty and unemployment in this country will, through purchases of foreign petroleum products, be sent away to other lands and benefit the people in those countries rather than in our own.

By countenancing or at least permitting the excessive importation of foreign oil, we are, in effect, granting a subsidy of millions of dollars to the importers. This is especially true of those who are importing fuel oil for supplies to vessels. Their freedom from the excise tax grants them an improper advantage over producers of domestic fuel oil. This subsidy naturally increases the burden which must be borne by business and by industry and, if we should analyze the situation sufficiently far, might be found to be one of the many factors which prevent a more rapid decrease in our unemployment figures.

In defense of the oil-producing States of the Union and of the oil industry, which is such an important factor in the industrial life of those States, notably of my own State of Texas, some action should be taken at this session of Congress to stop this unfair competition of a cheap foreign product with our domestic oil. A definite limitation on imports should be established. Once established, it should be enforced. Penalties should be imposed upon those guilty of violation. It should be driven home to the handful of wealthy corporations which are now importing this oil that if it is criminal to produce "hot oil" from our domestic fields, it is equally criminal to import oil in excess of the restrictions on importations.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to put the balance of the statement in the RECORD and to extend my own remarks thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL PARK TRUST FUND BOARD

Mr. MAVERICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6734) to create a National Park Trust Fund Board, and for other purposes, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That a board is hereby created and established, to be known as the National Park Trust Fund Board (hereinafter referred to as the Board), which shall consist of the Secretary of the Treasury, the Secretary of the Interior, the Director of the National Park Service, and two persons appointed by the President for a term of 5 years each (the first appointments being for 3 and 5 years, respectively). Three members of the Board shall constitute a quorum for the transaction of business, and the Board shall have an official seal, which shall be judicially noticed. The Board may adopt rules and regulations in regard to its procedure and the conduct of its business.

No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the Board shall be sufficient evidence that the expenses are properly allowable.

Sec. 2. The Board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the National Park Service, its activities, or its service, as may be approved by the Board.

The moneys or securities composing the trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the Board may from time to time determine. The income, as and when collected, shall be covered into the Treasury of the United States in a trust-fund account to be known as the "National Park Trust Fund" subject to disbursement by the Division of Disbursement, Treasury Department, for the purposes in each case specified: *Provided, however,* That the Board is not authorized to engage in any business, nor shall the Secretary of the Treasury make any investment for account of the Board that may not lawfully be made by a trust company in the District of Columbia, except that the Secretary may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by the Board.

Sec. 3. The Board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The Board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

Sec. 4. Nothing in this act shall be construed as prohibiting or restricting the Secretary of the Interior from accepting, in the name of the United States, gifts or bequests of money for immediate disbursement or other property in the interest of the National Park Service, its activities, or its service, as heretofore authorized by law.

Sec. 5. Gifts or bequests to or for the benefit of the National Park Service, including those to the Board, and the income therefrom, shall be exempt from all Federal taxes.

Sec. 6. The Board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations.

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, the purpose of this bill is to create a National Park Trust Fund Board. This board is to consist of the Secretary of the Treasury, the Secretary of the Interior, the Director of the National Parks Service, and two members who are to be appointed by the President. It is to be the purpose of the board to accept funds of all kinds for a national park trust fund. The reason this board is sought to be created is so that the money can be accepted and can be used properly under the jurisdiction of the Treasury Department.

I am informed that several million dollars will be offered to the Federal Government if this bill is passed, and the various donors of the money want to know that it is going to be properly handled. It is for this reason that the bill is offered.

There was some controversy about the other bill I offered and I withdrew that measure, which was a national-park bill. There appears to be no great controversy about the pending bill. It is simply a routine matter of having money properly cared for by the Federal Government when donations are made to the Federal Government for this purpose.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. MAVERICK. Yes.

Mr. TABER. I understand the gentleman's motion to suspend the rules covers the bill as it was reported out on the 9th of May with the amendments of the Public Lands Committee?

Mr. MAVERICK. Yes; I have asked to suspend the rules and pass the bill with the amendments adopted by the committee and which they worked over for 2 or 3 weeks in order to make the bill proper and suitable to everybody.

Mr. TABER. And the purposes for which the money that is paid to this board can be expended are absolutely limited to the purposes specified by the donors. Is that correct?

Mr. MAVERICK. Yes.

Mr. Speaker, I ask for a vote on the motion to suspend the rules and pass the bill.

The SPEAKER. The question is on the motion of the gentleman from Texas to suspend the rules and pass the bill. The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BOEHNE, for 3 days, on account of important business.

RED LAKE TRIBE OF CHIPPEWA INDIANS, OF MINNESOTA, SHOULD BE GIVEN A PAYMENT FROM THEIR OWN TRIBAL FUNDS, AS PROVIDED IN H. R. 4123

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUCKLER of Minnesota. Mr. Speaker, I appreciate the opportunity at this time to explain and tell you something about my bill, H. R. 4123, which I introduced on January 17, and which originally provided for the payment of \$25 to each enrolled Chippewa Indian of the Red Lake Band, of Minnesota, from the timber funds standing to their credit in the Treasury of the United States.

This bill has had quite a history in its progress toward consideration here today. I first, of course, asked for a hearing before the Committee on Indian Affairs. The Bureau of Indian Affairs submitted a report after a considerable delay and opposed the bill. Their office must be very busy, as I made personal calls, phoned them, as well as wrote them several times concerning this matter.

At the first hearing on the bill before the Committee on Indian Affairs, and perhaps largely due to the adverse report of the Indian Department and the appearance of Commissioner John Collier and other representatives of the Bureau in opposition to the bill, it was killed by the committee.

However, at this hearing the Indian Department representatives quoted figures showing the balance in the Red Lake Bands' timberland fund which were different from the figures which we had received from the Department by mail. In a personal call at the Department and through other sources various other figures were received showing the balances of this fund.

This difference in figures prompted me to make an effort to get some sort of uniformity. And, of course, I showed quite a number of the members of the committee the erroneous reports received, and by giving various individual members additional information concerning the need of the Red Lake Indians for this small payment at this time, they were courteous enough to give me a reconsideration of the bill in the committee.

At a later hearing the bill was reported out favorably. At this second hearing Mr. Collier and representatives from the Indian Department were present and finally agreed not to oppose the bill if the amount was reduced to a \$15 payment. They had opposed the bill originally primarily because the Indians did not have sufficient funds in their treasury, they claimed.

I want to assure you here that this small payment will be of great benefit to the Red Lake Indians to help them buy

clothes which many of them need badly, and food and other necessities of life. It is their own money and has accumulated from year to year in the timberland fund proceeds and profits from the timber on their own land. It is no more than fair that this money be given to the Indians. Much of this fund has gone for other expenses and it has been depleted from time to time, and I think it is about time that the Indian himself personally gets some of the money for his own use.

I hope that the gentlemen here will vote favorably on this bill today. I am sure that it will pass and the bill will be sent over to the Senate for further consideration and action. I feel sure that the Senate also will pass this bill which will give the Red Lake Indians this \$15 payment.

I thank you.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 65. An act to provide for the establishment of a Coast Guard station on the coast of Virginia, at or near the north end of Hog Island, Northampton County;

H. R. 231. An act for the relief of Thomas M. Bardin;

H. R. 285. An act for the relief of Elizabeth M. Halpin;

H. R. 1291. An act for the relief of the Muncy Valley Private Hospital;

H. R. 1492. An act for the relief of Harbor Springs, Mich.;

H. R. 2015. An act for a Coast Guard station at the eastern entrance to Cape Cod Canal, Mass.;

H. R. 2689. An act for the relief of Mary Ford Conrad;

H. R. 3073. An act for the relief of William E. Smith;

H. R. 3285. An act authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods;

H. R. 4528. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. R. 4630. An act for the relief of William A. Ray;

H. R. 4708. An act for the relief of E. F. Droop & Sons Co.;

H. R. 5210. An act to provide funds for cooperation with school district no. 17-H, Big Horn County, Mont., for extension of public-school buildings, to be available to Indian children;

H. R. 5213. An act to provide funds for cooperation with school district no. 27, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children;

H. R. 5216. An act to provide funds for cooperation with Harlem School District No. 12, Blaine County, Mont., for extension of public-school buildings and equipment to be available for Indian children;

H. R. 5547. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 6204. An act to authorize the assignment of officers of the line of the Navy for aeronautical engineering duty only, and for other purposes;

H. R. 6315. An act to provide funds for cooperation with the school board at Medicine Lake, Mont., in construction of a public-school building to be available to Indian children of the village of Medicine Lake, Sheridan County, Mont.;

H. R. 6372. An act to authorize the coinage of 50-cent pieces in connection with the Cabeza de Vaca Expedition and the opening of the Old Spanish Trail;

H. R. 6834. An act to revive and reenact the act entitled "An act authorizing Vernon W. O'Connor, of St. Paul, Minn., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.;

H. R. 6859. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Wacca-

maw River at or near Old Fireway Ferry Crossing, North Carolina;

H. R. 6997. An act authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Ill., and St. Marys, Mo.;

H. R. 7291. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Tex.;

H. R. 7873. An act to give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, Mexico, on February 12, 1929, and heretofore approved by act of Congress dated June 17, 1930 (Public, No. 370, 71st Cong., 46 Stat. 767);

H. R. 7874. An act to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia; and

H. J. Res. 107. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1935, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

ADJOURNMENT

Mr. CULLEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 4, 1935, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

(Tuesday, June 4, 10 a. m.)

Subcommittee on Judiciary will hold hearings on bill (H. R. 6720) amending divorce laws, in room 345 Old House Office Building.

(Tuesday, June 4, 10:30 a. m.)

Committee will hold hearings on various bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(Tuesday, June 4, 10 a. m.)

Subcommittee will hold hearings on bill (H. R. 7155) pertaining to railway mail laborers.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

369. A communication from the President of the United States, transmitting a deficiency estimate of appropriation submitted by the George Rogers Clark Sesquicentennial Commission to pay a claim of D. Frank Culbertson, vice chairman of the commission, certified by the Comptroller General of the United States in the sum of \$1,875.67, which requires an appropriation for payment (H. Doc. No. 212); to the Committee on Appropriations and ordered to be printed.

370. A communication from the President of the United States, transmitting two supplemental estimates of appropriations for the Treasury Department for the fiscal year 1936, totaling \$29,550 (H. Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

371. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the compilation of the domestic and residential rates in effect in the State of Rhode Island on January 1, 1935 (rate series no. 2, State Rept. No. 4); to the Committee on Interstate and Foreign Commerce.

372. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the Radio Direction Finder Station, North Truro, Mass., on December 27, 1934; to the Committee on Claims.

373. A letter from the Secretary of the Treasury, transmitting draft of a proposed bill authorizing and directing

the Comptroller General of the United States to credit in the accounts of Edgar M. Barber, special disbursing agent, Paris, France, the sum of \$51.25, and in the accounts of Leo Martinuzzi, former customs clerk, the sum of \$274.50; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BRUNNER: Committee on the Post Office and Post Roads. Senate Joint Resolution 92. Joint resolution making final disposition of records, files, and other property of the Federal Aviation Commission; without amendment (Rept. No. 1058). Referred to the Committee of the Whole House on the state of the Union.

Mr. AYERS: Committee on Indian Affairs. Senate Joint Resolution 96. Joint resolution to carry out the intention of Congress with reference to the claims of the Crow Tribe of Indians of Montana and any band thereof against the United States; without amendment (Rept. No. 1081). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN: Committee on Indian Affairs. H. R. 6228. A bill authorizing a capital fund for the Chippewa Indian Cooperative Marketing Association; with amendment (Rept. No. 1082). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'MALLEY: Committee on Indian Affairs. H. R. 6869. A bill authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims; with amendment (Rept. No. 1083). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Expenditures in the Executive Departments. H. R. 7590. A bill to create a Central Statistical Committee and a Central Statistical Board, and for other purposes; with amendment (Rept. No. 1084). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTE HILL: Committee on Indian Affairs. H. R. 7779. A bill conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; with amendment (Rept. No. 1085). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7994. A bill to provide a preliminary examination of Goldsborough Creek, in Mason County, State of Washington, with a view to the control of its floods; without amendment (Rept. No. 1086). Referred to the Committee of the Whole House on the state of the Union.

Mr. HIGGINS of Massachusetts: Committee on the Post Office and Post Roads. H. R. 8002. A bill to increase the compensation of letter carriers in the village delivery service; with amendment (Rept. No. 1087). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 8030. A bill to authorize a preliminary examination of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods; without amendment (Rept. No. 1088). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 8057. A bill to authorize and adopt certain public-works projects for controlling floods, improving navigation, regulating the flow of certain streams of the United States, and for other purposes; without amendment (Rept. No. 1089). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK: Committee on Indian Affairs. S. 381. An act for the relief of the Confederate Bands of Ute Indians located in Utah, Colorado, and New Mexico; without amendment (Rept. No. 1090). Referred to the Committee of the Whole House on the state of the Union.

Mr. AYERS: Committee on Indian Affairs. S. 1504. An act authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes;

without amendment (Rept. No. 1091). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEENEY: Committee on the Post Office and Post Roads. H. R. 7506. A bill to provide for a stenographic grade in the offices of Chief Clerk and Superintendent in the Railway Mail Service; with amendment (Rept. No. 1092). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7995. A bill to authorize a preliminary examination and survey of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DICKSTEIN: Committee on Claims. S. 276. An act for the relief of Harry Layman; without amendment (Rept. No. 1059). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 258. A bill for the relief of Emma B. Hine; with amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 605. A bill for the relief of Joseph Maier; with amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 653. A bill for the relief of George R. Brown; with amendment (Rept. No. 1062). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 970. A bill for the relief of the United States Bank of St. Louis, Mo.; with amendment (Rept. No. 1063). Referred to the Committee of the Whole House.

Mr. NICHOLS: Committee on Claims. H. R. 1917. A bill for the relief of Etta A. Shepard; with amendment (Rept. No. 1064). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 2335. A bill for the relief of Cora Akins; with amendment (Rept. No. 1065). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 2411. A bill for the relief of E. F. Purvis; with amendment (Rept. No. 1066). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3509. A bill for the relief of the legal guardian of Nick Vasilzevic; with amendment (Rept. No. 1067). Referred to the Committee of the Whole House.

Mr. NICHOLS: Committee on Claims. H. R. 3965. A bill for the relief of Prince Royal, Sr., Kathleen Royal Hayes, Victor A. Royal, Lucile Royal, and Prince Royal, Jr.; with amendment (Rept. No. 1068). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 4601. A bill for the relief of the heirs of Gladys Picklesimer; with amendment (Rept. No. 1069). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5492. A bill for the relief of Henry Skipper; without amendment (Rept. No. 1070). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 5525. A bill for the relief of George Current; without amendment (Rept. No. 1071). Referred to the Committee of the Whole House.

Mr. TOLAN: Committee on Claims. H. R. 5771. A bill for the relief of Flora Jacobs, administratrix of the estate of A. L. Jacobs, deceased; with amendment (Rept. No. 1072). Referred to the Committee of the Whole House.

Mr. TOLAN: Committee on Claims. H. R. 5772. A bill for the relief of Raphael Levy; with amendment (Rept. No. 1073). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 5816. A bill to provide an appropriation for the payment of claims of

persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; with amendment (Rept. No. 1074). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6137. A bill for the relief of the Otto Misch Co.; with amendment (Rept. 1075). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6444. A bill for the relief of Jane Alice Everson; with amendment (Rept. No. 1076). Referred to the Committee of the Whole House.

Mr. LUCAS: Committee on Claims. H. R. 6488. A bill for the relief of Wayne M. Cotner; with amendment (Rept. No. 1077). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6587. A bill for the relief of certain purchasers of land in the borough of Brooklawn, State of New Jersey; without amendment (Rept. No. 1078). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7099. A bill for the relief of Rocco D'Amato; without amendment (Rept. No. 1079). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Indian Affairs. H. R. 7350. A bill for the relief of the rightful heirs of Tiwastewin or Anna; with amendment (Rept. No. 1080). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8237) extending the benefits of the Emergency Officers' Retirement Act to Cornelius O. Bailey; Committee on Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6493) granting a pension to Mary J. Whistler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CROSS of Texas: A bill (H. R. 8309) authorizing the Attorney General of the United States, when in doubt as to the constitutionality of any act passed by the Congress and approved by the President, to submit such act immediately to the United States Supreme Court, requesting in writing the Court's written opinion as to the constitutionality of such act; to the Committee on the Judiciary.

By Mr. SAMUEL B. HILL: A bill (H. R. 8310) to provide for the construction of a post office at Republic, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. MAHON: A bill (H. R. 8311) to amend section 108 of the Judicial Code to provide for a new division of the northern district of Texas; to the Committee on the Judiciary.

By Mr. MOTT: A bill (H. R. 8312) to add certain lands to the Rogue River National Forest in the State of Oregon; to the Committee on the Public Lands.

By Mrs. NORTON (by request): A bill (H. R. 8313) to provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes; to the Committee on the District of Columbia.

By Mr. COCHRAN: A bill (H. R. 8314) to repeal section 3345, Revised Statutes of the United States, relating to the removal of malt liquors from brewery premises without stamps, to enact a new section in lieu thereof, and for other purposes; to the Committee on Ways and Means.

By Mr. EDMISTON: A bill (H. R. 8315) to require statements of the foreign origin of articles to be included in advertisements of such articles; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Oklahoma: A bill (H. R. 8316) to exempt the Indian Service within the State of Oklahoma from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933; to the Committee on Indian Affairs.

By Mr. HOEPEL: A bill (H. R. 8317) providing relief for persons disabled in the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. McFARLANE: A bill (H. R. 8318) to incorporate the veterans of all wars; to the Committee on the Judiciary.

Also, a bill (H. R. 8319) to transfer Hardeman County from the Fort Worth division to the Wichita Falls division of the northern Texas judicial district; to the Committee on the Judiciary.

By Mr. KNUTSON: Resolution (H. Res. 236) directing the Secretary of State to transmit to the House of Representatives information touching upon the failure of the Republics of Brazil and Colombia to ratify certain trade agreements; to the Committee on Ways and Means.

By Mr. MAVERICK: Resolution (H. Res. 237) expressing the sense of the House of Representatives that the Attorney General forthwith proceed to prosecute all violations of the antitrust laws; to the Committee on the Judiciary.

By Mr. O'MALLEY: Resolution (H. Res. 238) directing the Doorkeeper to have printed for occupants of the galleries of the House 100,000 pamphlets explaining how the House conducts its business; to the Committee on Printing.

By Mr. PATMAN: Resolution (H. Res. 239) amending House Resolution No. 203 (74th Cong., 1st sess.); to the Committee on Rules.

By Mrs. NORTON (by request): Joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal city; to the Committee on the Library.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the State of California, memorializing the President and the Congress to enact Senate bill 1952; to the Committee on the Civil Service.

Also, memorial of the State of California, memorializing the President and the Congress to enact House bill 5359; to the Committee on Education.

Also, memorial of the State of California, memorializing the President and the Congress to enact House bill 4688; to the Committee on Labor.

Also, memorial of the State of Florida, transmitting Senate Memorial No. 24 requesting the Congress of the United States to investigate various bondholders committees; to the Committee on the Judiciary.

Also, memorial of the State of California, memorializing the President and the Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII private bills and resolutions were introduced, and severally referred as follows:

By Mr. BOEHNE: A bill (H. R. 8320) for the relief of Mrs. John H. Wilke; to the Committee on Claims.

By Mr. BUCKLER of Minnesota: A bill (H. R. 8321) for the relief of Julia Long; to the Committee on Claims.

Also, a bill (H. R. 8322) for the relief of Merwin A. Kiel; to the Committee on Claims.

By Mr. DICKSTEIN: A bill (H. R. 8323) for the relief of Eva Markowitz; to the Committee on Claims.

By Mr. DUNN of Pennsylvania: A bill (H. R. 8324) for the relief of George Modran; to the Committee on Military Affairs.

By Mr. ELLENBOGEN: A bill (H. R. 8325) to correct the Army record of Charles D. Morris; to the Committee on Military Affairs.

By Mr. GINGERY: A bill (H. R. 8326) granting an increase of pension to Sarah E. Kennedy White; to the Committee on Invalid Pensions.

By Mr. GRANFIELD: A bill (H. R. 8327) for the relief of Walter Tuleja; to the Committee on Claims.

By Mr. HOLMES: A bill (H. R. 8328) for the relief of the city of Worcester, Mass.; to the Committee on Claims.

By Mr. LARRABEE: A bill (H. R. 8329) granting a pension to Nellie M. Taylor; to the Committee on Invalid Pensions.

By Mr. McGROARTY: A bill (H. R. 8330) for the relief of William Blakley; to the Committee on Claims.

Also, a bill (H. R. 8331) for the relief of William Blakley; to the Committee on World War Veterans' Legislation.

By Mr. McSWAIN: A bill (H. R. 8332) to provide for the reappointment of Harrison S. Markham as a second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. MASON: A bill (H. R. 8333) for the relief of Percy A. Casserleigh; to the Committee on Claims.

By Mr. MITCHELL of Tennessee: A bill (H. R. 8334) for the relief of Mrs. J. O. Massey and Mrs. James Huskey, sisters of deceased Spanish-American War Veteran Claud Payne; to the Committee on Pensions.

Also, a bill (H. R. 8335) authorizing the President of the United States to correct the military record of Private Winchester Buford Dowell; to the Committee on Military Affairs.

By Mr. PARKS: A bill (H. R. 8336) for the relief of Abner E. McGuire; to the Committee on Claims.

By Mr. PETERSON of Florida: A bill (H. R. 8337) granting a pension to Arthur Tomlinson; to the Committee on Pensions.

By Mr. SCHNEIDER: A bill (H. R. 8338) granting a pension to Leah A. Rowe; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8339) granting an increase of pension to Georgiana P. Nichols; to the Committee on Invalid Pensions.

By Mr. TURNER: A bill (H. R. 8340) for the relief of Wheeler Marvin Beasley; to the Committee on Military Affairs.

By Mr. WALLGREN: A bill (H. R. 8341) to provide for a preliminary examination of Cedar River and its tributaries in the State of Washington, with a view to the control of its flood waters; to the Committee on Flood Control.

Also, a bill (H. R. 8342) to provide a preliminary examination of Nisqually River in the State of Washington, with a view to the control of its flood waters; to the Committee on Flood Control.

By Mr. WITHROW: A bill (H. R. 8343) granting an increase of pension to Edith Pullen; to the Committee on Invalid Pensions.

By Mr. SAMUEL B. HILL: Joint resolution (H. J. Res. 306) granting compensation to Rasmus Bech; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8674. By Mr. BELL: Petition of employed workers of Kansas City, Mo., protesting against the enactment of the Wagner labor-disputes bill, presented by Dr. Ralph E. Duncan; to the Committee on Labor.

8675. By Mr. CONNERY: Resolution commending the President of the United States for his courage in urging Congress to take the profits out of war, and requesting that the President and Congress take the profits out of the manufacture of munitions by way of preparedness for war; to the Committee on Military Affairs.

8676. Also, letter from the executive committee of the American Legion, Department of Massachusetts, urging the Congress of the United States to enact legislation now pending providing for the issuance on July 9, 1935, of a special commemorative stamp in honor of the one hundred and fiftieth anniversary of the termination of Commodore Barry's services with the American Revolutionary Forces; to the Committee on the Post Office and Post Roads.

8677. Also, resolution of the General Court of Massachusetts, memorializing Congress in favor of additional appropriations of money for use by the Home Owners' Loan Corporation in continuing its activities; to the Committee on Appropriations.

8678. Also, resolution of the Second Interstate Assembly, urging Members of Congress to support House Joint Resolution 156, providing for an appropriation of \$40,000 to the Interstate Reference Bureau for the current year; to the Committee on Appropriations.

8679. By Mr. DOBBINS: House Joint Resolution No. 51, adopted by the Senate and House of Representatives of the General Assembly of Illinois, urging Congress to provide protection against injury to the agricultural interests of the United States resulting from increased importations of tapioca, sago, and cassava, and urging favorable action on House bill 6961; to the Committee on Ways and Means.

8680. By Mr. JOHNSON of Texas: Memorial of Dr. W. Duke Pittman, Mexia, Tex., opposing House bill 8158; to the Committee on the District of Columbia.

8681. Also, petition of H. Jarrett, of Hillsboro, Tex., favoring House Joint Resolution 219, extending the Emergency Railroad Transportation Act; to the Committee on Interstate and Foreign Commerce.

8682. Also, petition of M. B. Luker, Joe King, W. E. Harris, R. A. Reynolds, R. Keeton, and L. A. Norwood, of Hubbard, Tex., favoring the Crosser railroad pension bill and the Wheeler bill, extending the Emergency Transportation Act; to the Committee on Interstate and Foreign Commerce.

8683. By Mr. KENNEY: Resolution of Pride of Patriotic Council, No. 199, Sons and Daughters of Liberty of West New York, urging Congress to defeat House bill 6795, alien deportation law; to the Committee on Immigration and Naturalization.

8684. Also, resolution of the International Association of Machinists, Terminal Lodge, No. 1154, of Jersey City, N. J., supporting the Wagner labor-disputes bill; to the Committee on Labor.

8685. By Mr. LUCKEY: Memorial of the Nebraska State Senate, memorializing the Congress of the United States to make a complete investigation of the sugar-beet industry; to the Committee on Agriculture.

8686. By Mr. MEAD: Petition of the taxpayers of the city of Buffalo, requesting that the Federal Government appropriate funds to construct a sewage-disposal system to include Buffalo and the entire Niagara frontier; to the Committee on Appropriations.

8687. Also, petition of the employees of the General Cable Corporation of Buffalo, N. Y., requesting Congress not to permit the passage of Senate bill 1095, Wagner labor-disputes bill; to the Committee on Labor.

8688. By Mr. PFELFER: Petition of the Central Union Label Council of Greater New York, concerning the Wagner labor-disputes bill; to the Committee on Labor.

8689. Also, petition of the New York State Bankers' Association, New York City, concerning the Banking Act of 1935 (S. 1715 and H. R. 7617); to the Committee on Banking and Currency.

8690. Also, telegram from the Bricklayers Union No. 9, Brooklyn, N. Y., Charles Pflaum, secretary, concerning the Wagner labor-disputes bill; to the Committee on Labor.

8691. Also, petition of the United Upholsterers' Union, Local 44, New York, concerning the Wagner labor-disputes bill; to the Committee on Labor.

8692. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning the Wagner labor-disputes bill; to the Committee on Labor.

8693. Also, petition of the Nu-Era Steamship Corporation, New York City, favoring the Copeland-Bland bill; to the Committee on Merchant Marine and Fisheries.

8694. By Mr. RUDD: Petition of Grand Lodge, Brotherhood of Railroad Trainmen, concerning the Pettingill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

8695. Also, petition of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 1035, Jamaica, N. Y., P. Kizenberger, recording secretary, South

Ozone Park, Long Island, N. Y., concerning the Wagner labor-disputes bill; to the Committee on Labor.

8696. Also, petition of Bricklayers Union No. 9, Brooklyn, N. Y., Charles Pflaum, secretary, Brooklyn, N. Y., concerning the Wagner labor-disputes bill; to the Committee on Labor.

8697. By Mr. TONRY: Resolution of the Holy Name Society of St. Patricks Church, of Brooklyn, N. Y., protesting against the religious persecution in Mexico; to the Committee on Foreign Affairs.

8698. By Mr. TRUAX: Petition of the International Brotherhood of Electrical Workers, Dayton, Ohio, by their recording secretary, Jack Silverman, urging support of House bill 7878, to amend the Classification Act of March 4, 1923, as amended; to the Committee on the Civil Service.

8699. Also, petition of Mary McClelland and other citizens of Fredericktown and Mount Vernon, Ohio, urging support of Senate bill 2228 and House bill 7160, which provide for appropriations for agricultural education and agricultural extension work as this depression has made necessary a definite program for the development of agriculture along new lines and they feel sure that the plans as represented by the above bills will meet the requirements; to the Committee on Agriculture.

8700. Also, petition of Bricklayers' and Masons' International Union, No. 37, Sandusky, Ohio, by their secretary, Leonard H. Ferback, urging support of the Wagner labor-relations bill and the Black-Connelly 30-hour-week bill; to the Committee on Labor.

8701. Also, petition of H. N. Smith, recording secretary of the United Brotherhood of Carpenters and Joiners of America, Springfield, Ohio, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8702. Also, petition of the City Council of Zanesville, Ohio, May 27, 1935, by their president, Charles G. Wiltshire, regarding certain highway projects under the supervision and direction of the Federal Department of Highways and the State department of highways; to the Committee on the Post Office and Post Roads.

8703. By Mr. WELCH: Joint Resolution No. 12 of the California State Senate relative to memorializing the President and the Congress of the United States to enact House bill 4688; Assembly Joint Resolution No. 50, relative to memorializing the President and the Congress to enact House bill 5359; Assembly Joint Resolution No. 53, relative to memorializing the President and the Congress to enact Senate bill 1952; and Senate Joint Resolution No. 10, relative to memorializing the President and the Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States; to the Committee on Ways and Means.

8704. By Mr. WITHROW: Memorial of the Legislature of the State of Wisconsin, requesting the Works Allotment Board for a portion of the Public Works Administration fund for repair of city sidewalks and streets; to the Committee on Appropriations.

8705. Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to eliminate the long- and short-haul clause from the fourth section of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

8706. By the SPEAKER: Petition of Percy Howard O'Brien, of Los Angeles, Calif.; to the Committee on Banking and Currency.

8707. Also, petition of the Good Will and Boosters Organization of Union Pacific System of Hastings, Nebr., in associate meeting; to the Committee on Interstate and Foreign Commerce.

8708. Also, petition of R. P. Dunlap and Charles V. Tyke, of Kansas City, Mo.; to the Committee on Ways and Means.

8709. Also, petition of Chapter 152 of the Railroad Employees National Pension Association of Sunbury, Pa.; to the Committee on the Judiciary.

8710. Also, petition of the city of Chelsea, Mass.; to the Committee on Ways and Means.

8711. Also, petition of the New Jersey Mosquito Extermination Association; to the Committee on Agriculture.